

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S Cuckhold Point Rd.
5' S of the c/l of 4th Street * DEPUTY ZONING COMMISSIONER
(9101 Cuckhold Point Road)
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District * Case No. 92-454-XA

Albert F. Nocar, Jr., et ux
Petitioners *

* * * * *

SECOND AMENDED ORDER

This matter came before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 9101 Cuckhold Point Road, located in the Millers Island area of eastern Baltimore County. This property is located within the Chesapeake Bay Critical Areas on Hawk Cove near Hart Miller Island. Specifically, the Petitioners requested a special exception, pursuant to Section 1B01.1.C.7A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing fishing and shell fishing, shore line, Class I facility on the subject property. In addition, the Petitioners sought variance relief from the B.C.Z.R. as follows: From Section 1B01.2.C.1 to permit front yard setbacks of as close as 33.2 feet in lieu of the required 40 feet, side yard setbacks of as close as 5 feet in lieu of the required 20 feet, rear yard setbacks of as close as 0 feet in lieu of the required 30 feet, and building to building setbacks of as close as 1.5 feet in lieu of the required 40 feet; from Section 409.8.A.2 to permit a washed gravel parking area in lieu of the required durable and dustless surface; from Section 409.8.A.6 to permit unstriped parking spaces; and, from Section 417.4 to permit existing mooring piles a distance of as close as 8 feet to the divisional property lines in lieu of the required 10 feet. The subject property and

ORDER RECEIVED FOR FILING

Date

By

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - E/S *
Cuckhold Point Road, 5' S of * DEPUTY ZONING COMMISSIONER
the c/l of 4th Street *
(9101 Cuckhold Point Road) * OF BALTIMORE COUNTY
15th Election District *
7th Councilmanic District * Case No. 92-454-XA

Albert F. Nocar, Jr. *
Petitioner *

* * * * *

AMENDED ORDER

This matter came before the Deputy Zoning Commissioner as Petitions for Special Exception and Zoning Variance filed by the legal owner of the subject property, Albert F. Nocar, Jr., by and through his attorney, Norman R. Stone, Esquire. The Petitioner sought a special exception and variances for an existing fishing and shell fishing, shore-line Class I facility on the subject property.

The matter was originally heard on July 6, 1992 at 9:00 AM in Room 118 of the Old Courthouse in Towson, Maryland. During the course of the hearing, it was revealed that the Petitioner had not yet filed the required findings plan for review and approval by the Department of Environmental Protection and Resource Management (DEPRM) which is required due to the location of the subject property in the Chesapeake Bay Critical Areas. The Petitioner was then instructed to file the appropriate findings plan with DEPRM and the hearing proceeded. On December 1, 1992, I was advised by DEPRM that the Petitioner had not yet filed the required findings plan at which time I determined that the Petitioner was not diligently pursuing the obligation imposed upon him by the Critical Areas legislation. An Order was subsequently issued by this Deputy Zoning Commissioner on December 3, 1992 which, in essence, dismissed without prejudice the Petitioner's requests for a special exception and variance.

ORDER RECEIVED FOR FILING

Date 12/3/92

By [Signature]

92-454-XA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: CARL W. RICHARDS
ZONING COORDINATOR

May 19, 1992

FROM: JAMES H. THOMPSON -LJW
ZONING ENFORCEMENT COORDINATOR

RE: Item No. 478
Petitioner: STEVE BROYLES - ENGINEER

VIOLATION CASE # C-92-1702

LOCATION OF VIOLATION 9101 CUCKOLD POINT ROAD

DEFENDANT ALBERT & ANN NOCAR

ADDRESS ~~SAA~~ SAML

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME

ADDRESS

~~SAA~~ SAME as above
Joseph Sullivan

~~SAA~~ 21219

8825 Old Hartford Rd. 21238

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

6/16/92
8

DFW/Traffic Engineering
Development Review Committee Response Form
Authorized signature Raher J. Familji

06/15/92
Date 6/16/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Albert F. And Ann B. Nocar

478

N/C

6-1-92

DEPRM TE

Maryland Marine Manufacturing Co., Inc.

479

N/C

DEPRM TE

Stonegate at Patapsco (Azeal Property)

90476

ZON DED TE (Waiting for developer to submit plans first)

COUNT 3

Keith M. And Patricia M. Lambert

496

N/C

6-2-92

DED DEPRM RP STP TE

COUNT 1

Samuel Frank And David Granat

494

N/C

6-8-92

DED DEPRM RP STP TE

Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning

495

N/C

DED DEPRM RP STP TE

William J. And Elizabeth G. Wachter

497

N/C

DED DEPRM RP STP TE

Ancita R. And James S. Henry

498

N/C

DED DEPRM RP STP TE

Douglas R. Small

499

N/C

DED DEPRM RP STP TE

Lyle L. Boltinghouse

500

N/C

DED DEPRM RP STP TE

Glenn A. And Patricia A. Sudano

501

N/C

DED DEPRM RP STP TE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____

Walter K

Date 6/8/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swimm	DED DEPRM RP STP TE	477	No Comment	6-1-92
✓ Albert F. And Ann B. Nocar	DED DEPRM RP STP TE	478	No Comment	
✓ Maryland Marine Manufacturing Co., Inc.	DED DEPRM RP STP TE	479	No Comment	
✓ Robert C. And Sylvia W. Eppig	DED DEPRM RP STP TE	480	No Comment	
✓ James Ronald And Beth B. Porter	DED DEPRM RP STP TE	481	No Comment	
✓ Nelson H. And Lee M. Hendler	DED DEPRM RP STP TE	485	No Comment	
✓ Leon G. McKemy	DED DEPRM RP STP TE	486	No Comment	
✓ Williams Management Services, Inc.	DED DEPRM RP STP TE	487	No Comment	
✓ John M. And Karen R. Jacob	DED DEPRM RP STP TE	488	No Comment	
✓ Matthew F. Reckenberger, Jr.	DED DEPRM RP STP TE	490	No Comment	
✓ Herbert H. And And Betty Rosen	DED DEPRM RP STP TE	491	No Comment	
✓ Meadows Park Ltd. Prtnrshp Russel Asset Mgt, Inc.	DED DEPRM RP STP TE	492	No Comment	

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature Dennis A. Kennedy

06/08/92

Date 6/8/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swimm	477	6-1-92	NC
DED DEPRM RP STP TE			
✓ Albert F. And Ann B. Nocar	478		NC
DED DEPRM RP STP TE			
Maryland Marine Manufacturing Co., Inc.	479		Comment
DED DEPRM RP STP TE			
✓ Robert C. And Sylvia W. Eppig	480		NC
DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481		NC
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485		NC
DED DEPRM RP STP TE			
Leon G. McKemy	486		Comment
DED DEPRM RP STP TE			
Williams Management Services, Inc.	487		Comment
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488		NC
DED DEPRM RP STP TE			
Matthew F. Reckenberger, Jr.	490		Comment
DED DEPRM RP STP TE			
✓ Herbert H. And And Betty Rosen	491		NC
DED DEPRM RP STP TE			
Meadows Park Ltd. Prtnrshp Russel Asset Mgt, Inc.	492		Comment
DED DEPRM RP STP TE			

7741-92
8/28/92
8

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

August 26, 1992

(410) 887-3733

Mr. Steven K. Broyles, P.E., P.L.S.
Broyles, Hayes & Associates
1922 Middleborough Road
Baltimore, Maryland 21221

92-454-XA

Re: Nocar property
Zoning Special Exception-Item 478

Dear Mr. Broyles:

The Environmental Impact Review Division has completed its review of the zoning petition for a special exception and variances. The following comments must be addressed prior to plan approval.

1. A fishing and shell fishing facility is a water dependent activity and is permitted as-of-right in the IDA, LDA, and RCA classifications of the Critical Area. Therefore, structures that are water dependent, such as the slough boxes, are permitted within the 100 foot buffer. All structures greater than 100 square feet require building permits. Electrical and plumbing permits must also be obtained, if needed.
2. Structures that are not water dependent, such as the two existing sheds, must be relocated outside the 100 foot buffer. These structures also require building permits if they are greater than 100 square feet.
3. The property must come into compliance with the 15% forest cover requirement. Credit will be given for existing trees, however, new plantings must be in accordance with the forest establishment manual and planted in the 100 foot buffer.
4. This property is limited to impervious surfaces that sum to 25% of the lot. A gravel driveway is considered impervious unless it is constructed of washed stone on a filter fabric base. A resubmitted site plan must propose a method to bring this property into compliance with the impervious surface limit.

If you have any questions please contact me or Ms. Nancy Pentz at 887-2904.

Sincerely,

Patricia M. Farr
Program Supervisor
Environmental Impact Review Division

PMF:NSP:ju
c: Mr. & Mrs. Albert Nocar
Mr. Tim Kotroco
BROYLES2/WQBCA

RECEIVED
AUG 27 1992

ZONING OFFICE





Zoning

Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

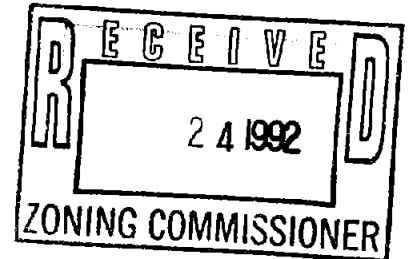
INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco
Deputy Zoning Commissioner

FROM: James H. Thompson
Zoning Enforcement Coordinator

SUBJECT: CASE NO. 93-1071
CASE NO. 92-454-XA
9101 CUCKOLD POINT ROAD
15TH ELECTION DISTRICT

November 20, 1992



In reply to the November 17, 1992 letter from Joseph and Marjorie Sullivan to Director Arnold Jablon, this office has created an active case file.

However, until such time as a decision is rendered by the commissioner's office, our division can take no action on this matter.

Therefore, upon making a ruling, it is imperative that such order be forwarded to us for enforcement action.

cc: Inspector Craig McGraw
Joseph & Marjorie Sullivan

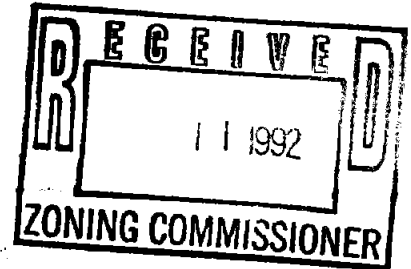
LAW OFFICES
HOWARD AND STONE
PROFESSIONAL BUILDING
6905 DUNMANWAY
DUNDALK, MARYLAND 21222

CHARLTON T. HOWARD
NORMAN R. STONE, JR.

TELEPHONES
(301) 284-2860
(301) 288-5270

December 10, 1992

Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Office of Planning
and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, Maryland 21204



RE: PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCE
E/S Cuckhold Point Road, 5' S of the c/l of 4th
Street (9101 Cuckhold point Road)
15th Election District-7th Councilmanic District
Albert F. Nocar, Jr. - Petitioner
Case No. 92-454-XA

Dear Commissioner Kotroco:

I have just received a copy of your decision to dismiss the above case for failure to comply with the submission of a findings plan as required by the Critical Areas legislation.

I am respectfully requesting that you reconsider this decision inasmuch as I have been advised by Steve Broyles that he has submitted a plan to DEPRM and has had at least two (2) meetings on this proposal. He further advises that he received an acknowledgement of this transmittal from the Department.

It has been my experience in the past that it often takes much longer than five (5) months to get a decision from DEPRM with regard to findings. As I recall, in one particular case involving Sea Marina, it took nearly a year.

Mr. Broyles has advised that he will diligently pursue this matter with the Department.

While I appreciate that this case was dismissed without prejudice, it will still be necessary to refile and take all of the testimony, which you will recall was quite lengthy.

In closing, I wish to add that this decision came as quite a surprise to me since I was under the opinion that the matter of the findings plan was proceeding in a normal manner.

In view of the above, I would appreciate your reconsideration of the

TO: Timothy M. Kotroco
Deputy Zoning Commissioner
RE: Case No. 92-454-XA

December 10, 1992

Page Two

matter with an additional period of time to obtain approval of the plan.

Thanking you for your cooperation in this matter, and with kind regards,
I am

Very truly yours,



Norman R. Stone, Jr.

NRS,JR:slh

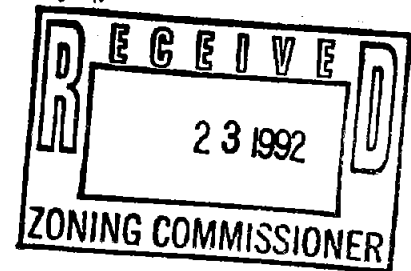
cc: J. Carroll Holzer, Esquire
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204

LAW OFFICES
HOWARD AND STONE
PROFESSIONAL BUILDING
6905 DUNMANWAY
DUNDALK, MARYLAND 21222

CHARLTON T. HOWARD
NORMAN R. STONE, JR.

TELEPHONES:
(301) 284-2860
(301) 288-5270

December 18, 1992



Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Office of Planning
and Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & ZONING
VARIANCE
E/S Cuckhold Point Road, 5' S of the c/o of
4th Street (9101 Cuckhold Point Road)
15th Election District-7th Councilmanic District
Albert F. Nocar, Jr., Petitioner
Case No. 92-454-XA

Dear Commissioner Kotroco:

I am in receipt of a letter to you from J. Carroll Holzer, Esquire, urging in effect, that you not reconsider your decision to dismiss the above captioned case.

I strongly object to Mr. Holzer's allegations that the matter is being dragged and delayed.

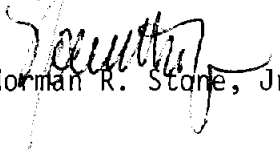
While I will not repeat the arguments expressed in my previous letter, the history of this case does not support his assertions.

In addition, obviously, there will be no shellfish operation carried on during the winter months.

Once again, I respectfully request that you reconsider your decision with our assurance that Mr. Broyles will continue to pursue approval the findings plan in a timely manner.

Thanking you for your cooperation in this matter, I am

Very truly yours,


Norman R. Stone, Jr.

NRS,JR:slh
cc: J. Carroll Holzer, Esquire
Mr. Albert F. Nocar
Mr. Steven K. Broyles

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

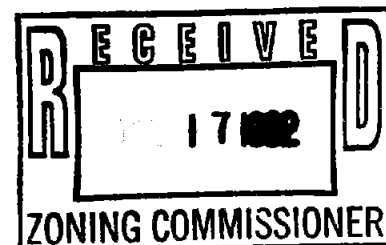
LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(410) 825-6960
FAX (410) 825-6964

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MARYLAND 21784
(410) 795-8556
FAX (410) 795-5535

SUITE 700
1725 DE SALES STREET, N.W.
WASHINGTON, D.C. 20036

December 17, 1992
#6650

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Office
of Planning & Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, Maryland 21204



RE: Petition for Special Exception and Zoning Variance
E/S Cuckhold Point Road, 5' S of the C/1 of 4th Street
(9101 Cuckhold Point Road)
15th Election District - 7th Councilmanic District
Albert F. Nocar, Jr. - Petitioner
Case No.: 92=454-XA

Dear Deputy Commissioner Kotroco:

I received a copy of Mr. Stone's letter concerning the dismissal of the above captioned case dated December 10, 1992. I must respectfully disagree with Mr. Stone and urge that you not reinstitute this case. All this time, there has been a continuing zoning violation which has not been the subject of enforcement by Baltimore County officials due to the filing of this Petition.

It seems clear that this matter is being dragged and delayed through an inordinate amount of time and on behalf of my client, I would respectfully request that Baltimore County enforce the Zoning Regulations in this case until such time as the matter is right for resolution by Mr. Albert F. Nocar, Jr.

Thank you for your cooperation in this matter.

Very truly yours,

J. Carroll Holzer
J. Carroll Holzer

JCH:mlg

cc: Norman R. Stone, Jr., Esquire
Mr. & Mrs. Joseph Sullivan

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - E/S *
Cuckhold Point Road, 5' S of * DEPUTY ZONING COMMISSIONER
the c/l of 4th Street *
(9101 Cuckhold Point Road) * OF BALTIMORE COUNTY
15th Election District *
7th Councilmanic District * Case No. 92-454-XA

Albert F. Nocar, Jr. *
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and Zoning Variance filed by the legal owner of the subject property, Albert F. Nocar, Jr., by and through his attorney, Norman R. Stone, Esquire. The Petitioner requests a special exception for a fishing and shell fishing, shore-line Class 1 facility, pursuant to Section 1B01.1.C.7A of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner also seeks variance relief from the B.C.Z.R. as follows: From Section 1B01.2.C.1 to permit front yard setbacks as close as 33.2 feet in lieu of the required minimum of 40 feet, side yard setbacks as close as 5 feet in lieu of the minimum required 20 feet, rear yard setbacks as close as 0 feet in lieu of the minimum required 30 feet, and building to building setbacks as close as 1.5 feet in lieu of the minimum required 40 feet; from Section 409.8.A.2 to permit a washed gravel parking area in lieu of the required durable and dustless surface; from Section 409.8.A.6 to not require the stripping of parking spaces; and from Section 417.4 to permit existing mooring piles to be as close as 8 feet from the divisional property lines in lieu of the required minimum of 10 feet, all as more particularly described on Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions were Albert F. Nocar, Jr., legal owner. Mr. Nocar was represented by Norman R.

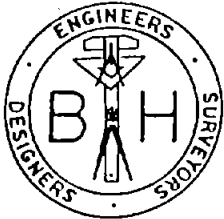
ORDER RECEIVED FOR FILING

Date

By

12/3/92

[Signature]



BROYLES, HAYES AND ASSOCIATES

Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

April 29, 1992

QZ-454-XXA

Mr. Arnold Jablon
Director
Office of Zoning Administration and Development Management
Office Of Planning & Zoning
Baltimore County Government
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Special Exception & Variance
Albert F. and Ann B. Nocar (his wife)
9101 Cuckold Point Road
Special Exception for Fishing and shelling fishing facility,
Class I.

STATEMENT OF JUSTIFICATION

I am requesting a zoning special exception for a fishing and shell fishing facility, shoreline, Class I under section 1B01.1.C.7A and to amend the site plan for 9101 Cuckold Point Road, Lot 512 from Zoning Variance Case # 86-234 A granted on December 11, 1985.

Mr. Nocar and his wife have owned, resided and operated a fishery and shellfish facility at this site since 1986. The dwelling, two slough boxes for soft crabs, two sheds, boat ramp and pier are all existing. This request does not include any new structures. A previous owner Karl A. Klingelhoefter also operated a commercial fishery since 1946 at this site.

The area has been a commercialized area for many years. The property bordering this lot to the south east is zoned BM with a existing marina. The property to the north west across the street is a tavern by non-conforming use. The property bordering the lot to the north east is a vacant residential lot 50' wide and adjacent to the vacant lot is a boat yard and marina with BM zoning. These two lots 512 (subject lot) and 513 (vacant lot) are approximately 100' wide by 130' deep property zoned D.R. 5.5 and surrounded on three sides by existing heavy commercial uses. The fishery special exception requested on this lot is a minor commercial use compared width the adjacent commercial zoning.

April 29, 1992
Mr. Arnold Jablon
9101 Cuckold Point Road
Page 2

92-454-XA

The variances being requested are from:

Section 1B01.2.C.1 Non-residential principle building setbacks in D.R. Zones for existing shell fishing support structures to allow:

1. Front yard setbacks as close as 33.2' in lieu of the required 40' setback.
2. Side yard setbacks as close as 5' in lieu of the required 20' setback.
3. Rear yard setbacks as close as 0' in lieu of the required 30' setback.
4. Building to Building setback as close as 1.5' in lieu of the required 40' setbacks.

All of the setback variances are requested for shell fishing support structures which are existing. There is a practical difficulty with these set backs since the front yard set back is 40' and the rear yard set back is 30' totaling to a sum of 70' for set backs. The entire area behind the existing dwelling to the shoreline is only 65' deep by 50' wide. Imposing the required setbacks leaves no buildable area. Furthermore all of the structures are existing and would need to be razed to move them.

Strict enforcement of the regulations would require removing these structures which would be a hardship to the owner denying him of use and enjoyment of the property. These structures are essential to operate this shell fishing facility.

5. Section 409.8.A.2 to allow a washed gravel parking area in lieu of the required dustless durable surface. There is a practical difficulty since this site lies in the Chesapeake Bay Critical area Protection Zone. This variance is being requested to reduce impervious surfaces in the spirit intent of Chesapeake Bay Critical Area Regulations. The existing site has 21.26% impervious surface and is in a Chesapeake Bay Critical Area (CBCA) Limited Development Zone. Baltimore County Council Bill 74-91 limits the amount of impervious surface on a residentially zoned lot of this size to 25%. Further more the Bill does not allow for a Variation of Standard for Chesapeake Bay Critical Area Regulations for this criterion.

Strict enforcement of this regulation would require additional 1350 sf. of paving raising the impervious surfaces to 42% which would not be allowed by CBCA Regulations. This would be a hardship to the owner not allowing him current use and enjoyment of his property due to inherent conflicts in regulations.

April 29, 1992
Mr. Arnold Jablon
9101 Cuckold Point Road
Page 3

Q2-454-XA

6. Section 409.8.A.6 to not require striping of parking spaces. There is a practical difficulty in striping a gravel parking lot. This section requires that striping shall be maintained so as to remain visible. This is a practical difficulty since there is a gravel surface which is not suitable for receiving striping.

Strict enforcement of this regulation would be impossible with a gravel parking lot and would be a hardship to the owner in trying to maintain the same.

7. Section 417.4 to allow existing mooring piles as close as 8' of divisional property lines in lieu of the required 10'. This is a practical difficulty since the variances are being requested for mooring piles at the two adjacent properties for existing construction which has existed for some time. The piles are existing and use is not controlled by Mr. Nocar. The existing mooring piles which Mr. Nocar has use of, conform to the Baltimore County Zoning Regulations.

Strict enforcement of this regulation would be a hardship to the owner requiring him to move mooring piles not under his riparian use. Mr. Nocar has no legal vehicle to encourage adjacent property owners to relocate existing pilings.

Granting this special exception and variances will allow Mr. Nocar to continue earning his income as a Baltimore County Waterman, a vanishing culture and heritage. The facility is surrounded by intense existing commercial uses and is much less of a impact to the community at large than most of his neighbors. This use as a fishery and shell fishing facility has existed for six years without being a detriment to the health, safety and general welfare of the locality.

Granting this special exception and variances would be within the spirit and intent of the Baltimore County Zoning Regulations.

Thank you for your consideration in this matter. If you have any questions, please feel free to me.

Very truly yours,

Steven K. Broyles, P.E., P.L.S.



SKB:amb
current jobs/nocrzonl.var

NOTE: SEPARATE PERMIT REQUIRED FOR ALL ELECTRICAL AND PLUMBING WORK

NOTE: APPROVED PLANS MUST BE ON SITE FOR INSPECTIONS, INCLUDING COMMENTS

Inspections shall be called for between 7:30 A.M. & 2:30 P.M. with one days notice on all inspections, except occupancy inspections, which require at least three days. Plumbing and Electrical inspections must be called for by registered licensed personnel. For inspections call: BUILDING 494-3953, PLUMBING 494-3620, ELECTRICAL 494-3960, FIRE DEPT. 825-7310 ext. 216. The following inspections are required for construction indicated:

1. Footing inspection: shall be called for as soon as the trenches are completed and steel in place if required before pouring concrete.
2. Foundation inspection: shall be called for when the foundation has been waterproofed and before backfilling with earth.
3. Slab inspection: shall be called for when all reinforcing, piping, wiring, weepholes, drain tile, etc., are in place or completed and inspected by Plumbing/Electrical inspection and before pouring concrete.
4. Framing inspection: shall be called for when all structural members are in place, electric and plumbing roughed in and inspected, chimney and duct work installed and before covering with lathe, insulation or drywall. All fire stopping to be installed. A separate ceiling grid inspection to be determined by inspector.
5. Insulation Inspection: after framing inspection, but prior to sheetrock.
6. Occupancy or Final inspection: shall be called for after all other County Agencies concerned have approved, but before the structure is used or occupied.

New Buildings: 6 Inspections Required:
Footing - Foundation - Slab - Framing - Insulation - Occupancy

Alterations: 3 Inspections Required:
Framing - Insulation - Occupancy or Final

Towers: 2 Inspections Required:
Footing - Final

Factory Built Fireplace and Stoves: 2 Inspections Required:
Framing with thimble in place - Final

Masonry Fireplace: 3 Inspections Required: Footing - Throat/Framing - Inspection shall be called for when the throat/framing of the unit is complete, but prior to the erection of the chimney - Final

Tanks: 3 Inspections Required:
Hydrostatic (Fire Dept.) Excavation w/tank, bedding and piping in place prior to backfill (Bldg. Insp.) - Final

Tank Removal: 1 Inspection Required:
tank removed and hole sterilized prior to backfill

Swimming Pools: 4 Inspections Required:
Steel in place and Bonded - Concrete Poured - Fence erected - Final

Fencing, Siding, Razing, Grading and Temporaries - 1 Inspection Required:
Final (when all work completed per permit)

WELL INSPECTION MUST BE MADE TWO WEEKS BEFORE OCCUPANCY OR FINAL INSPECTION IS TO BE CALLED FOR - 494-2762

** Mechanical Work: Depends on type and extent of work. Contact Inspector after or during preliminary inspection.

TRANSMITTAL



BROYLES, HAYES AND ASSOCIATES, INC.

Engineers • Land Planners • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221
PHONE (410) 574-2227 • FAX (410) 574-2284

Date 12/21/92 Job No. _____

Attn.: TIMOTHY KOTROCO

Re.: 9101 CUCKHOLD POINT ROAD

ITEM 478

CASE NO. 92-454-XA

TO MR. TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

ZONING ADMINISTRATION & DEVELOPMENT

MANAGEMENT OFFICE

GENTLEMAN:

WE ARE SENDING YOU

☒ PRINTS

☐ ORIGINALS

☒ ATTACHED

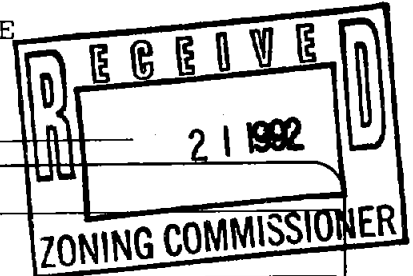
☐ COMPUTATIONS

☐ REPORTS

☐ UNDER SEPARATE COVER:

☒ DOCUMENTS

☐ OTHER _____



COPIES	DATE	NUMBER	DESCRIPTION
1	8/20/92		FINDINGS PLAN
1	8/20/92		TRANSMITTAL
1	8/26/92		D.E.P.R.M. CORRESPONDENCE

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL

☒ FOR YOUR USE

☐ AS REQUESTED

☐ FOR REVIEW AND COMMENT

☐ APPROVED AS SUBMITTED

☐ APPROVED AS NOTED

☐ RETURNED FOR CORRECTIONS

☐ _____

☐ RESUBMIT _____ COPIES FOR APPROVAL

☐ SUBMIT _____ COPIES FOR DISTRIBUTION

☐ RETURN _____ CORRECTED PRINTS

REMARKS: _____

SIGNED

STEVEN K. BROYLES, P.E.

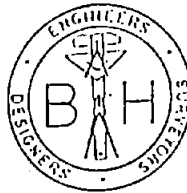
TRANSMITTAL

DATE 8/20/92 JOB NO. _____

ATT.: Ms. PAT FARR

RE.: 9101 Cuckold P+Rd

CASE # 478



BROYLES, HAYES & ASSOCIATES

ENGINEERS • DESIGNERS • SURVEYORS

1922 MIDDLEBOROUGH RD.

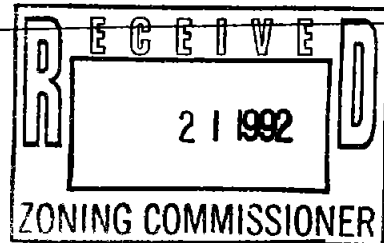
BALTO., MD. 21221

(301)-574-2227

TO Ms. PAT FARR

C.B.C.A

D.E.P.R.M.



GENTLEMAN:

WE ARE SENDING YOU ☒ ATTACHED ☐ UNDER SEPARATE COVER:

☐ SHOP DRAWINGS

☐ SAMPLES

☐ PLANS

☐ SPECIFICATIONS

COPIES	DATE	NUMBER	DESCRIPTION
2	8/20/92	1	Findings Plan
1	8/20/92		Check List

THESE ARE TRANSMITTED AS CHECKED BELOW:

☒ FOR APPROVAL

☐ FOR YOUR USE

☐ AS REQUESTED

☐ FOR REVIEW AND COMMENT

☐ APPROVED AS SUBMITTED

☐ APPROVED AS NOTED

☐ RETURNED FOR CORRECTIONS

☐ _____

☐ RESUBMIT _____ COPIES FOR APPROVAL

☐ SUBMIT _____ COPIES FOR DISTRIBUTION

☐ RETURN _____ CORRECTED PRINTS

REMARKS: Received - RV.

SIGNED

Stu Broyles

C-93-1071

9042-92

11/19/92
g
to JT

Joseph & Marjorie Sullivan
8825 Old Harford Road
Baltimore, Md 21234

November 17, 1992

Mr. Arnold Jablon
Zoning Enforcement Director
and Development Management
111 W. Chesapeake Ave., Room 109
Towson, MD 21204

Re: 9101 Cuckold Point Road
Millers Island, MD 21219

Dear Mr. Jablon,

This is a letter of complaint which is in reference to the property known as 9101 Cuckold Point Road, Millers Island, Maryland, 15th Election District, 7th Councilmanic, Precinct #19, property owners being Albert F. and Ann B. Nocar.

Violation - Operating a Shellfish and Seafood Business which is out of compliance with zoning regulations as per the Deputy Zoning Commissioner and DEPRM.

On July 6, 1992 Mr. Nocar was told that he was to file paper work with DEPRM so as they could do a finding's report which was to be sent to zoning to complete the case for special exception which was never granted.

According to the Deputy Zoning Director, Mr. Nocar is out of compliance with, and is abusing the process for filing for special exception. No paper work was ever filed according to Mr. J. Carroll Holzer, our attorney, and the Deputy Zoning Officer.

Mr. Nocar continues to operate this business and has done so all summer of which I have witnesses.

We have witnessed the selling of crabs to people coming in trucks to his property. Mr. Nocar also operates a wholesale seafood route in which he delivers seafood of various types, to businesses around the areas, this he also operates out of his home. Mr. Nocar operates without regard to anyone, he does whatever he wants, builds whatever he wants, and no one stops him. He has told people he has "Exception's" - this is not true.

November 17, 1992

Mr. Arnold Jablon
Zoning Enforcement Director

Re: 9101 Cuckold Point Road
Millers Island, MD 21219

A hearing was held on July 6, 1992 Case #92-454-X (Item 478), no final decision was made because Mr. Nocar failed to file the necessary paper work with DEPRM. He is out of compliance and special exception was not granted.

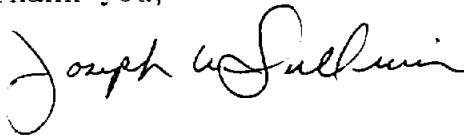
Also, as per Miss L. Rettew of Plans & Review stated: The area underneath the first floor is for parking of vehicles only. No equipment, machinery, or storage is allowed. All machinery and equipment (furnace, water heater, laundry, etc.) must be located on the first or second floor.

Violations do exist, it would be advisable to check underneath Nocar's home for violations - decks, steps, storage, laundry, equipment, machinery, etc.

We also request the removal of slough boxes and crab pots. Not only are they an eyesore, but the foul odor and rodents have been seen around the pots. This property is zoned residential DR 5.5.

Response requested.

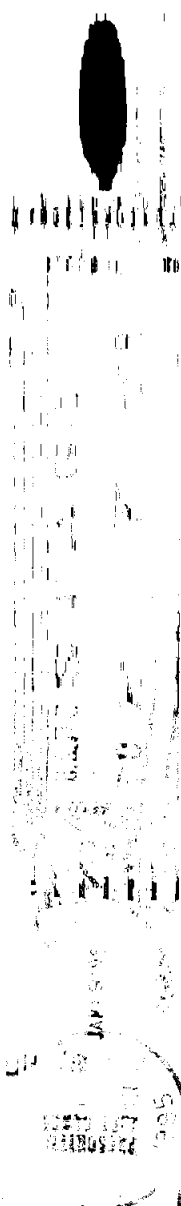
Thank you,



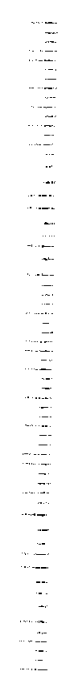
Joseph Sullivan
Property Owner
9103 Cuckold Point Road

cc: Mr. J. James Dieter, Dir. EPA
Mr. Timothy M. Kotroco, D.Z.C.
Mr. J. Carroll Holzer, Esq.

RECEIVED
NOV 19 1992
ZONING OFFICE



& Mrs. Joseph Sullivan
Old Harford Road
more, Maryland 21234



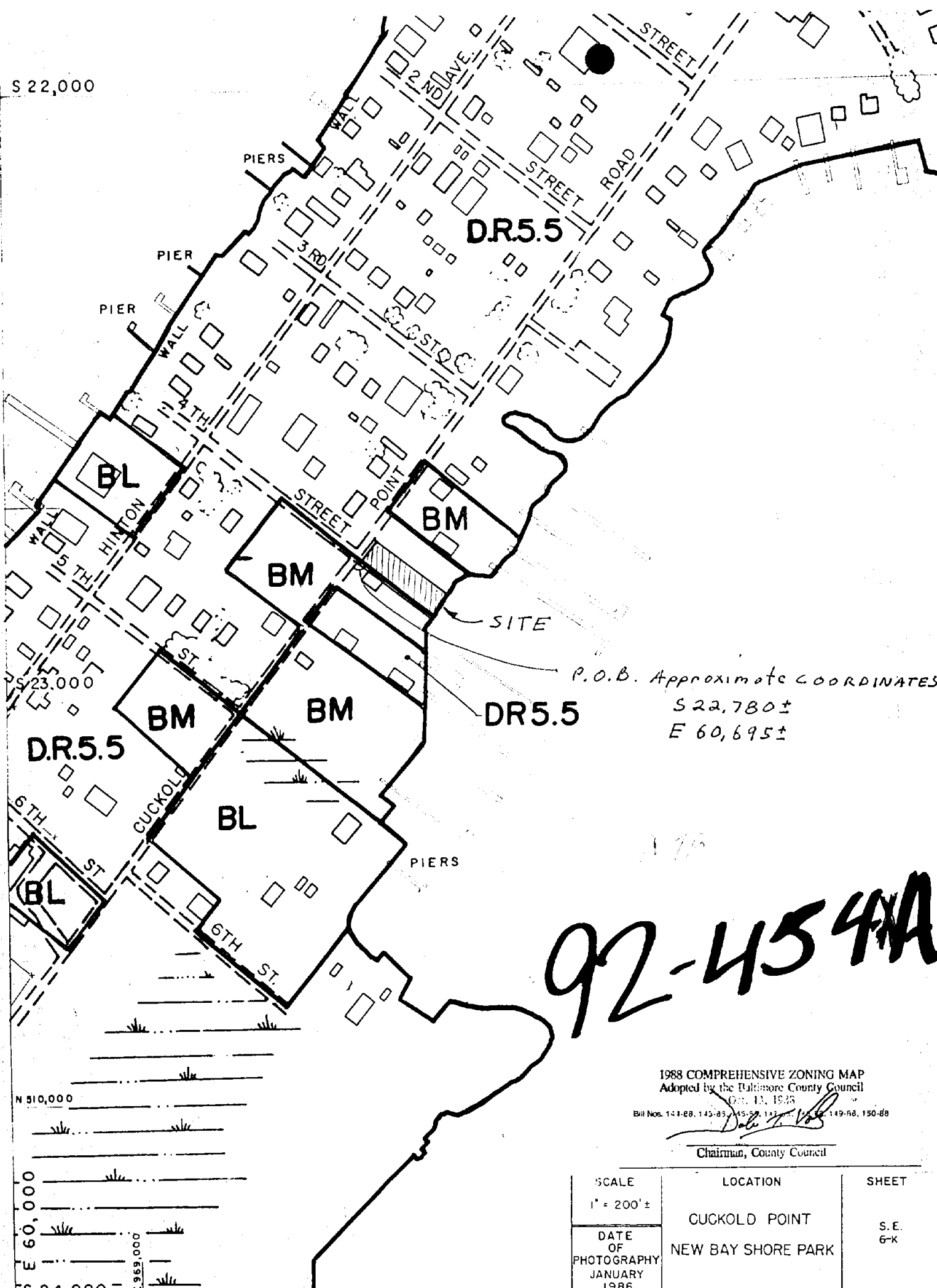
Stone, Esquire. Also appearing on behalf of the Petitions were numerous residents of the area. Several other residents of the area appeared as Protestants in the matter and were represented by J. Carroll Holzer, Esquire.

At the commencement of the hearing on July 6, 1992, the Department of Environmental Protection and Resource Management (DEPRM) disclosed that it had not yet received from the Petitioner a Critical Areas Findings Plan as required. The decision was then made by this Deputy Zoning Commissioner to proceed with the hearing and reserve the right to reconvene at a future date, if necessary, to take additional testimony once a findings plan was submitted to DEPRM and comments as to its appropriateness were received by this office. Testimony and evidence was then presented by several witnesses both for and against the relief requested in the instant Petitions.

At the close of the hearing, the Petitioner was instructed to follow through with the submission of a Critical Areas Findings Plan to DEPRM in order that they might submit formal comments and recommendations to this Deputy Zoning Commissioner. On December 1, 1992, I contacted Nancy Pentz, the Development Coordinator for this project, who informed me that she had not received a findings plan from the Petitioner. She also informed me that her office sent correspondence to the Petitioner requesting said plan in August 1992.

It is clear the Petitioner has failed to comply with the submission of a findings plan as required by Critical Areas legislation. This calls into question Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). That Section specifically prohibits me from rendering a decision on the merits of this case until such time as the Petitioner submits a findings plan to DEPRM for comments pursuant thereto. It has been

S 22,000



DR5.5

BL

BM

BM

BM

BM

DR5.5

DR5.5

BL

BL

PIERS

P.O.B. Approximate COORDINATES
S 22,780±
E 60,695±

92-454A

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Bill Nos. 141-88, 145-88, 145-89, 147-89, 148-89, 149-88, 150-88

Chairman, County Council

N 510,000

00

60,000

60,000

E 60,000

S 24,000

000,000

SCALE	LOCATION	SHEET
1" = 200'±	CUCKOLD POINT	S. E.
DATE OF PHOTOGRAPHY JANUARY 1986	NEW BAY SHORE PARK	6-K

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert S. Horan Sr.

3619 Dudley Ave Baltimore

Kimberly A. Horan

3619 Dudley Ave 21213

Bob Ward

8916 Chesapeake Ave 21219

Michael Paley

9033 Cuckold CT Rd 21219

Ala. Bolkstein

9100 Hinton Ave

Joe F. Furl

2812 12TH ST 21219

Bonnie Henderson (Bonnie's Cakes)

7656 Baltimore Rd 21222

Martin G. Weiskopf

1949 Guy Wagon Baltimore 21222

Theresa Ruth Deane

2806 4TH STREET BALTIMORE MD 21219

JERRY RUM

8812 HINTON AVE BALTE. MD. 21219

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Joseph Sullivan

Kenneth Wallace

Mark Crapp

Mayorie Sullivan

Kathryn Wallace

8825 Old Hartford Rd.

42 HELMSMAN CT

15 Ebbing Ct.

8825 Old Hartford Rd.

42 Helmsman Ct.

DP 3
1/79



PETITIONER'S EXHIBIT ¹ Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

CONSTR. PLANS	PLAT PLANS	RECORD PLAT	PLANS WAIVED	LETTER OF INTENT	DATA	AFF	SUPERVISION WAIVER
2	5	2					
TAX ACCOUNT NUMBER 15-11470340							

BUILDING PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

CENSUS		ELEC.		PLUMBING	
TRACT	BLOCK	YES	NO	YES	NO
4519		X		X	

SMM/LAC/SMM

DATE ISSUED **MAY 16 1986**

BUILDING PERMIT NO.	DISTRICT	PRECINCT
87580	15	19
CONTROL NO.		
NR		

BUILDING ADDRESS	9101 CUCKHOLD POINT ROAD				
OWNER'S NAME	WILLIAMSBURG HOMES INC.				
MAILING ADDRESS OF OWNER	23 DICKENS SQUARE, TIMONIUM, MD. 21093				
IDENTIFICATION	NAME	ADDRESS	CITY	STATE	ZIP
TENANT					
BUILDING CONTRACTOR	WILLIAMSBURG HOMES, INC.				
ENGINEER OR ARCHITECT					
IF UNDER CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS					
TRANSFER DESCRIPTION	S/ S. CUCKHOLD POINT RD.				

A. TYPE OF IMPROVEMENT

- 1 ☒ NEW BUILDING CONSTRUCTION
- 2 ☐ ADDITION
- 3 ☐ ALTERATION
- 4 ☐ REPAIR
- 5 ☐ WRECKING (ENTER NO. UNITS DEDUCTED)
- 6 ☐ MOVING
- 7 ☐ OTHER

RESIDENTIAL

- 01 ☐ ONE FAMILY
- 02 ☐ TWO FAMILY
- 03 ☐ THREE AND FOUR FAMILY
- 04 ☐ FIVE OR MORE FAMILY (ENTER NO. UNITS)
- 05 ☐ SWIMMING POOL
- 06 ☐ GARAGE
- 07 ☐ OTHER

C. TYPE OF USE

NON-RESIDENTIAL

- 08 ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
- 09 ☐ CHURCH, OTHER RELIGIOUS BUILDING
- 10 ☐ FENCE (LENGTH _____ HEIGHT _____)
- 11 ☐ INDUSTRIAL, STORAGE BUILDING
- 12 ☐ PARKING GARAGE
- 13 ☐ SERVICE STATION, REPAIR GARAGE
- 14 ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
- 15 ☐ OFFICE, BANK, PROFESSIONAL
- 16 ☐ PUBLIC UTILITY
- 17 ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
- 18 ☐ SIGN
- 19 ☐ STORE ☐ MERCANTILE ☐ RESTAURANT
- 20 ☐ SWIMMING POOL (MD. HEALTH DEPT. APPR. REQ.)
- 21 ☐ TANK, TOWER
- 22 ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS _____)
- 23 ☐ OTHER

DESCRIBE PROPOSED WORK ☐ 1 AND 2 FAM CODE

CONSTRUCT FOUNDATION FOR AND ERECT STATE APPROVED INDUSTRIALIZED DWELLING WITH NO GARAGE AND NO BASEMENT. NO FIREPLACES, DECKS, OR PORCHES. DISTURBED AREA UNDER CORRECT LIBER AND FOLIO 915. INCORRECTLY SHOWN ON TERMINAL. 1ST FL. ELEV. -10.40.

TYPE FOUNDATION	
<input checked="" type="checkbox"/> SLAB	
<input checked="" type="checkbox"/> BLOCK	
<input type="checkbox"/> CONCRETE	
<input type="checkbox"/> BASEMENT	
<input type="checkbox"/> FULL	
<input type="checkbox"/> PARTIAL	
<input type="checkbox"/> NONE	

B. OWNERSHIP

- 1 ☒ PRIVATELY OWNED
- 2 ☐ PUBLICLY OWNED

CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY

DETACHED	TOWN HOUSE	GROUP	TOWN HOUSE	MID RISE	HIGH RISE
1	2	3	4	5	6

24 PROPOSED USE(S)

S.F.D. AND PTER

EXISTING USE(S)

ESTIMATED COST OF MATERIAL & LABOR

70,000

THIS PERMIT MUST BE POSTED

SEE OTHER SIDE FOR INSPECTIONS

PETITION

PETITIONER'S EXHIBIT 3

We the undersigned, citizens of Baltimore County, do not oppose the
us of a portion of the residential property owned by Albert F. Nocar Jr.
known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County,
as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Ed H. Heiger	9800 MILLERS ISLAND RD	477-0593
Fanny Oppenheimer	8800 MILLERS ISLAND RD	477-4164
JOE L. HIZER	2808 10TH ST	
Barbara Heiger	2807 10th St.	388-1387
Edward Heiger-Jr.	2807 10th St.	388-1387
Margaret Heiger	9900 MILLERS ISLAND RD	477-0893
W. S. Fuchs	8911 Hutter Ave.	388-2982
Kudrey Howell	2809 First St.	477-3674
Mark A. Hulse	56 Shore Rd Rt 10	477-5510
Paul Killmer	2919 Ross Ave	477-4163
Ken Killmer	2919 Ross Ave	477-4163
Andy Stauder	56 Shore Rd Rt 10	477-5510
John Stolla	9011 Chesapeake Ave	477-4720
Peggy Stolla	9011 Chesapeake Ave	477-4720
Anna Lake	8907 Cuckold Pt Rd	477-8520
Charles Lake	8907 Cuckold Pt Rd	477-8520
Cindrey Kite	7710 Seaboard Rd	477-1443
John Kite	7710 Seaboard Rd	477-1463
John M. Call	2401 Woodbridge Rd	477-9015
John W. McCall	7222 Legation Ave	477-2483
John F. Kelly	2802 1st ST	477-0092
P. J. Fulk	2707 Bay Dr.	477-4713
Anthony G. Velivich	2806 11TH STREET	477-0563

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, is a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Terre H. Williams	2808 1 st ST.	477-3546
Brian H. Williams	2809 1 st ST.	477-3546
Duke D. Williams	2808 1 st ST.	477-3546
Mary Herhart	1834 Denton Ave	477-2515
Carol Herhart	" "	477-2515
James R. Herhart Sr.	" "	477-2515
James R. Herhart Jr.	" "	477-2515
Michael Willis	9100 Cuckold Point Road	477-0859
Matthew Trimmer	9427 North Point Road	477- 477 5548
Mareena Trimmer	" "	477-5548
Charles Trimmer	" "	477-5548
Thomas E. Volk	1117 Gorsuch Ave	235-4607
Robert Volk	9100 Hinton Ave	477-5500
John Volk	" "	" "
Ray Drotter	9007 Miller Dr. Rd.	477-4795
Helma Bronska	6101 Cornell Rd	335-3788
Evel Bronska	6101 Cornell Rd	335-3788
Theresa L. Hoover	2475 Schaffers Rd.	574-7436
Walter L. Singleton	2475 Schaffers Rd.	574-7436
Harold J. Bronska	1914 Parker Rd.	686-8579
Bob Volk	9015 Cuckold Pt Rd	477-5137
James C. Palecki	9033 Cuckold Pt. Rd	477-5137
Michael Palecki	9033 Cuckold Pt. Rd.	477-5137
William Palecki	9033 Cuckold Pt. Rd.	477-5137

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Peter Szaboli	9117 Cuckold Pt Rd	477-1610	✓
Carroll D. Hamell	2809 First St. 21319	477-3674	✓
Dawn Miksha	2811 7th Street	477-0384	✓
Catherine C. Bagf	8927 Cuckold Pt Rd	477-8392	✓
James H. Fleiner	4114 Beachwood Ct.	477-1485	✓
GEORGE KONDYCAS	9008 Cuckold Pt Rd	477-3828	✓
James Kondykas	9008 Cuckold Pt Rd	477-3828	✓

PETITION

W the undersigned, citizens of Baltimore County, do not oppos th use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
George L. Kelly	9100 Cuckoo Pt. Rd.	477-1378
Judy & Otto	2812 3rd St	477-4718
Martin G. Willard	1949 Guy Way	288-2705
Joseph F. Puraf	2812 12TH ST	477-0138
Barbara Holland	Rt 10 Box 6590	477-8726
J. L. Buckler	2408 Woodridge Rd.	477-9343
Betty Buckler	2408 Woodridge Rd.	477-9343
Chris Willis	9100 Cuckoo Pt. Rd.	477-0859
Laura W. Wroniewski	9100 Cuckoo Pt. Rd.	477-0859
James Marshall	2808 1st St	477-5346
Frances Johnson	2430 Alma Rd-21227	247-9089
Copier P. John	2430 Alma Rd 21227	247-9089
John J. John	7036 Brookside Rd 21227	335-2731
John J. John	9134 Hinton Ave.	477-4063
Mike Buckler	1002 Sumter Ave	594-4108
Michael Wroniewski	8218 Rockwood Avenue	284-3360
Leith Wroniewski	8218 Rockwood Avenue	284-3360
Stuart N. Munnaway	200 Ashwood Rd 21222	288 0700
L. Susan Munnaway	200 Ashwood Rd "	"
Craig Munnaway	200 Ashwood Rd "	"

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Dorothy J Prough

9039 Cuckold Point Road

388-1866

Donald L Proush

9039 Cuckold Point Road

388 1866

Howard L Pough

9039 Cuckoo Point Road.

388-1866

Charles Prough

9039 Cuckold Pt Rd

358-1866

ROBERT HAFER

3131 HESS AVE.

661-6925

Elmer Lewis

3015 Pulaski Hwy

Denny & Cathie Irvine

9104 Cockold Pt Rd

477-5054 ✓

Th. P. Mura

7041 DUNHAM RD.

202-0398

Theron A. Crowe.

7041 Denhill Rd

282-0398

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

(REMARK)

Address

Phone Number

NAME	ADDRESS	PHONE
James M. Fisher	7201 BECKER RD.	477-8868
Blair St. South	7841 N. CONN RD	477-0763
Robert Funkhouser	7607 Bayside ave	477-8564
Robert Handel	3649 Malton Ave	—
Barbara Bandy	904 Ave A	477-6728
Joseph M. Bandy	7902 DEX HILL	922-0538
Wick Mckenzie	2508 N. Snyder Ave	388-0984
J. G. Leonard	2405 Lodge Farm Rd	477-8479
C. Mascock	2806 4th St.	477-3046
Marv Musick	2806 4th St	477-3045
Charles Mills	1360 RING CT	477-3288
William P. Miller	7863 St. Fabian Lane	477-2868
M. E. Mulvatt	2130 CONNING CIR	335-8127
Walter Mulvatt	9014 Cuckhold Pt. Rd.	388-0518

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 3, 1992

Norman R. Stone, Esquire
6905 Dunmanway
Baltimore, Maryland 21222

RE: PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCE
E/S Cuckhold Point Road, 5' S of the c/l of 4th Street
(9101 Cuckhold Point Road)
15th Election District - 7th Councilmanic District
Albert F. Nocar, Jr. - Petitioner
Case No. 92-454-XA

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

People's Counsel

File

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Jeffrey J. Schubert
~~W. J. Schubert~~

7834 Denton Ave
~~7834 Denton Ave~~

477-2515

Margaret Papadakis

9006 Hinton Ave

477-4317

Self Heigler

2807 10th Street

588-1387

Greg Papadakis

9006 Hinton Avenue

474-4317

Judy Ruffner

224 Endersleigh Ave.

574-2979

Randolph W. Ruffner

224 Endersleigh Ave

574-2979

Wyn Glasscock

1116 Riverside Ave. SW

686-0705

Frank Adicks

16 Main Ct.

335-5946

Bob Dennis Cox

1114 Montpelier St

467-2928

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
<u>Dennis M. Wagner</u>	<u>7112 N. Pt Rd. 21219</u>	<u>477-1616</u>
<u>Jim Tutchton</u>	<u>7116 Gough St</u>	<u>284-4678</u>
<u>Sam Tutchton</u>	<u>7116 Gough St</u>	<u>284-4678</u>
<u>John West</u>	<u>620 S. Hagley St.</u>	<u>276-5522</u>
<u>Ronald K. Long</u>	<u>25 BEYCE CT BALTO 21234</u>	<u>231-1699</u>
<u>Michael D. Seidel</u>	<u>1253 Meridene Dr. 21239</u>	<u>882-9974</u>
<u>Charles M. Brown</u>	<u>25 BEYCE CT 21234</u>	<u>231-1699</u>
<u>Albert K. White</u>	<u>204 Church St</u>	<u>636-1920</u>
<u>Michael R. Brown</u>	<u>1699 Balt-Annap Rd</u>	<u>757-8055</u>
<u>Dorothy Dettgen</u>	<u>1699 B-A Blvd</u>	<u>757-8055</u>
<u>Alice White</u>	<u>204 Church ST</u>	<u>636-1920</u>
<u>Joseph P. Koval</u>	<u>225 N. Pratt PK Ave Balto.</u>	<u>276-6312</u>
<u>Elizabeth Deckerd</u>	<u>1021 Courtney Rd 21227</u>	<u>242-3830</u>
<u>WILLIAM BRYANT</u>	<u>1222 HOLMEWOOD DRIVE</u>	<u>437-8202</u>
<u>John Hutton</u>	<u>458 Stammers Run Rd</u>	<u>687-5098</u>
<u>Maureen Hillstrom</u>	<u>458 Stammers Run Road</u>	<u>687-5098</u>
<u>Linda Seidel</u>	<u>1253 Meridene Dr. Balto Md 21239</u>	<u>433-4408</u>
<u>Vicki Mongan</u>	<u>9500 N Pt Rd</u>	<u>477-0868</u>
<u>Dan Mongan</u>	<u>9500 N. Point Rd</u>	<u>477-0868</u>
<u>John K. Korman</u>	<u>9250 HINTON AVE</u>	<u>477-1909</u> ✓
<u>Carolyn Mroz</u>	<u>7114 North Point Rd</u>	<u>477-1750</u>
<u>Karl A. Chabur</u>	<u>9107 Cuckold Pt. Rd.</u>	<u>477-8034</u> ✓
<u>Heber M. Chabur</u>	<u>9107 Cuckold Pt. Rd.</u>	<u>477-8034</u> ✓
<u>Deborah Y. Abrams</u>	<u>2422 Sparrows Point Rd.</u>	<u>477-2255</u>

PETITION

W the undersigned, citizens of Baltimore County, do not oppose th
use of a portion of the residential property owned by Albert F. Nocar Jr.
known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County,
as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
ROBERT C. BRUCHEY	3120 YORKWAY 21222	288-6548
A. David J. Hill	2107 Givenswood Dr. 21047	686-4605
Frank A. Mulligan	8168 Salling Rd. 21122	481-5679
C. U. Hill	2514 Hansen Rd. 21040	676-4873
John E. James	7863 Nidden Creek Way 21226	255-5892.
Joseph K. Kuroda	8704 Wise Ave 21222	477-5271
C. B. Pritchard	2918 Sparrows Pt. Rd 21219	477-8623
T. Martin J.	3025 Del Haven Rd	282-8140
William F. Perry	6001 Bellona Ave	323 0926
John Heinen	5201 Daybreak Court	866 8145
David R. Russell	5248 CARROLLWOOD Rd.	335-6836
Robert F. Dawson	8215 NORTHVIEW RD.	284-1324
Roy Maciniak	9823 Rocklyn Dr. 21128	256-6284
David H. Pugh	3108 RIVER DR Rd. 21219	477-4090
Donald F. Richardson	3430 Cedar Church Rd.	836-3580
James L. Hall	1927 Frames Rd.	282-6470
Angus Franklin	6908 Circle Rd	335-6006
Blair G. Galt	7 Glenview Rd.	296-4882
Robert J. Galt	5016 FIDELL ST. 21204	4866761
THIRN SR JUSTICE	5016 FIDELL ST 21205	4856761
Mary Caverly	8218 Cornwall Rd	284-4922
Linda L. Meyer	9100 Millers Island Blvd	477-9008
Daniel H. Meyer	9100 Millers ISL. Blvd	477-9008
Henry J. Bush	9015 SWAN AVE	477-0996

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
K. Molderhauer	7355 Hughes Ave. 21219	477-3965
John L. Liden	2101 Sparrow Pt Rd	477-9899
Jim Mehl	3007 Dolman Ave 21219	
Sam Rogers	1818 Portship Rd. Med. 21222	
Eric Korman	7100 Kover Rd. Rd	
Kenneth R. Beach	9128 Ave C Balt. Md. 21219	
Franklin D. Witt	7407 Blevins Ave. 21219	477-2737
Robert L. Speer	2546 Lodge Forest Dr.	477-3525
John L. Clae	2218 Sparrow Pt Rd	477-8712
William Polson	12 Platt Ln	477-3774
Richard Rudolph	Rudy's MARINA 4309 Shore Rd 21219	477-3276
Sandy Sman	9210 Judd Ave	21052 477-8917
S. J.	8936 Miller's Island Rd	21219 477-3828
James Waterfield	8516 Maple Rd 21219	477-1469
Andy Thacker	7513 TOROQUOIS AVE 21219	477-2270
Frank Humin	8939 MILLER'S ISLAND RD	477-2859
Emily C. Rich	2510 Brynner Ave.	477-5340
Leon Harris	3404 Laguardia Dr.	288-1520
Lisa McCarty	2074 Shamrock Rd.	388-1791
Albert R. Hall	2505 Judd Farm Rd	477-8009
Terese Gray	2100 Lake Forest Dr	NO Phone
Doreen Borch	1414 Kenosha St.	360-5823
Kathy Wrasome	9223 Todd Ave.	477-4576
Dorothy Thorne	6514 N. Pt Rd. 21219	477-0107

PETITION

W the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Carl Holson	7115 Northpoint Rd.	477-8805
Linda Mohson	2513 South Marine Ave.	477-2359
P.A. Bochen	8000 Dogwood Rd	388 1721
2 Birch St	Box 6525 21219	388 8888
Richard Malen	7419 Bay Front Rd. 21227	477 4881
Don Patton	6914 River Drive Rd. 21219	388-1209
Robert Schmitt	12 PLATT LANE	477-3774
Lennard Eck	9325 W. Pt. Rd.	388-1629
Dawn Bireley	2612 Sparrow Point Rd	388-1182
Bob McCall	2401 Woodridge RD	477-9015.
Robert I. Dehner	12 PLATT LANE	477-3774
Hortense Rowe	9319 Todd Ave POB 187	477-4622
Van Duren	7200 River Drive R.D. 21219	477-0807
Leon A. Langstaff	2916 Ritchie Ave	477-8741
Kerwin Duff	8804 HINTON AVE	388-0714
Stephen F. Clark	2911 Sparrows Pt. Rd.	477-2700
Robert G. Harrison	2912 Sparrows Pt. Rd.	477-16937
John D. Kelly	9239 Todd Ave Ft Howard	388 1464
Harriet McGraw	3019 Wells Ave	477-3368
John Hancock	2301 Lodge Farm Rd	388-1848
Bob J. Klemans	1946 Ewald Ave. #22	285 2693
Doris Lee Wilson	1909 Marsdale Rd. #22	477-4281
J.B. Gullledge	2123 Lincoln Ave Baltimore	477 4614
Lennard Clark	7370 Bayfront Rd	477 6820

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Jack E. Judd	9223 Todd Ave.	477-4576
Jim FALLES	7506 OLD BATTLE GROVE RD. APT. 2	NO PHONE
AL JERNIAZ	715 WHEATCROFT CT	
Paul Wooden	1930 Guy Way	
Patrick Graydon	8014 Dogwood Rd.	
Jim Mehlh	3007 Delmar Ave 21219	
William H. Symplewski	3148 main rd. 21219	477-5246
James Mikulas	2542 Lakeview Ave.	
Mike Council	20 BOWBROOK BAY RD 21219	
Bob Zamb	2419 WHITE AVE B. 17. ME	477-0767
ALAN J. CLAUER	7501 CAR AVE FT. HOWARD.	388-0298
Mark D. Dace	2801 4TH STREET	388-0548 ✓
Mike DOTA	6809 ARMISTEAD RD 21219	
James V. Armstrong	2424 LUGE FARM RD	
Ed Wagner	2323 Franklin Ave	477-5599
Joe V. V. V.	7745 North Point Creek Rd.	477-3445
Richard Jackson	3210 River Drive Rd	477-3318
Calvin K. Kelly	8000 Dogwood RD #4	477-0614
Joan McKerny	2508 N. Snyder Ave	477-4361
M. J. Birmingham	19 Skye Rd	477-2200
Don J. Mark	5014 Tartan Hill Rd	931-2436
Thomas J. Schuler Jr	7613 Phila. Rd	866-8100
B. Schuler	7613 Philadelphia Rd	866-8100
Barbara Watts	6512 North Point Rd.	388-0912

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

W. Saunders

2812 12th St

None

Walter G. Wilkies

821 Milledale Ave

288-2705

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Shawn Shaw

7114 N. Point Road

477.5000

Mason Landon

240⁰ Stelle aus

388-4289

Martin Widener

3016 RITCHIE AVE.

477-4828

Carol Kraemer

7103 River Dr Rd

477-8346

Mae B. Little

401 Stefan Court

388-1532

Pichey Run

3013 Dell Mar

Janet Widener

3016 Ritchie Ave

477-4828

Wells Road

9108 Richard Pt Rd

388 1264

Chas. P. ...

2317 Rth Ave

477-5868

Nancy Kerner

1026 Feedback Rcl

337-7249

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Address**Phone Number**

BENTLEY HOOVER	7000 N. PT. RD. 21219	477-8509
G. Warwick	3000 CEDARCREST AVE. 21219	477-1649
JAY SKAGGS	2807 3RD STREET 21219	388-1596
Michelle Hoover	7000 North Point Rd 21219	477-8509
Dennis R. Hend	104B BRIARWOOD RD 21222	388-0590
Joey Williams	9123 Todd Ave 21052	477-1427
Daryl Hill	2431 Blewins Ave 21219	477-0099
Ray Jones	6904 North Point Rd 21219	388-0436
T. LEWIS	8807 CHEASAMUK AVE. 21219	477-4520
John Kramer	7103 River drive Rd 21219	477-8346
George Wooden	2400 Maple Rd., Balt., MD 19	477-5577
Jim D. Alke	3 Russ Ct 21219	477-0642
Robert A. Cunningham	6608 North Point Rd	388 1173
Robert M. Nulty	7508 Blank Ave	477-0809
Lordon Spence	7526 Fort Ave.	388-0343
Barbara Jackson	9202 Todd Pl Howard 21052	477-2588
John L. Hunt	2507 MENSER	285-1729
Richard Berle	703 OAK/leigh Boeck Rd	477 6862
Scott B. Taylor	7014 RIVER DRIVE Rd.	477-4577

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

James J. Linc
Ben Goff

9210 TODD AVE

477-8917

1100 HARTLAND Rd

686-8351

PETITION FOR SPECIAL EXCEPTION

02-454-XA
478

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Fishing and shell fishing facility, shore line, Class I
Section 1B01.1 C.7A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

N/A

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

NORMAN R. STONE

(Type or Print Name)

Signature

6905 Dunmanway

Address

Baltimore, MD 21222

City and State

Attorney's Telephone No.: (410) 288-5270

Legal Owner(s):

Albert F. Nocar, Jr.

(Type or Print Name)

Signature

Ann B. Nocar

(Type or Print Name)

Signature

9101 Cuckhold Point Road (410) 477-5782
Address Phone No.

Millers Island, MD 21219
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Steven K. Broyles, P.E.

Name
1922 Middleborough Road (410) 574-2227
Baltimore, MD 21221
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING

Date

By

ORDER RECEIVED FOR FILING

Date

By

Z.C. - No. 1

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the
as of a portion of the residential property owned by Albert F. Nocar Jr.
known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County,
as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

RICHARD F. MOORE SR. - 8021 DOGWOOD RD 21219

William McBride 11012 Rt. 7 21162

Andrew Dorsch 8812 Chiswick Ave.

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Tony Karamanlidis

7705 S. Cove Rd.

788-1318

Butler Smith

7705 S. Cove Rd.

388-1318

Michelle Foreman

7705 S. Cove Rd.

388-1318

Delhi Karamanlidis

7705 S. Cove Rd.

788-1318

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

[illegible]

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-454-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 1B01.2.C.1 to allow front yard setbacks as close as 33.2' in lieu of 40'

Variance from Section side yard setbacks as close as 5' in lieu of 20', rear yard setbacks as close as 0' in lieu of 30' and building to building setbacks as close as 1.5' in lieu of 40'. Sec. 409.8.A.2 to allow washed gravel parking area in lieu of dustless durable surface, Section 409.8.A.6 to not require stripping of parking spaces and Section 417.4 to allow existing mooring piles as close as 8' of divisional property lines in lieu of 10'

MOORING PILES SKP

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty for section 1B01.2.C.1 strict enforcement would leave no usable area this would be a hardship to the owner denying him of use of the property. Section 409.8.A.2 & 6 there is a practical difficulty in conflicts with CBCA regulations Strict enforcement would be a hardship to the owner by denying him use of the property. Section 417.4 there is a practical difficulty in the existing mooring piles on adjacent property are existing. there would also be a hardship to the owner if Strict enforcement were required since Mr. Nocar has no legal right to relocate these pilings.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Albert F. Nocar, Jr.

(Type or Print Name)

Signature

Signature

Address

Ann B. Nocar

(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

Norman R. Stone

9101 Cuckhold Point Road (410) 477-5782

(Type or Print Name)

Address

Phone No.

Signature

Millers Island, MD 21219

City and State

6905 Dunmanway

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

Steven K. Broyles, P.E.

Baltimore, MD 21222

Name

City and State

1922 Middleborough Road

Attorney's Telephone No.: (410) 288-5270

Baltimore, MD

21221

(410) 574-2227

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the _____ day of _____, 19____, at _____ o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING

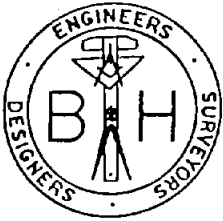
Date

By

ORDER RECEIVED FOR FILING

Date

By



92-4541A

BROYLES, HAYES AND ASSOCIATES

Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

ZONING DESCRIPTION FOR

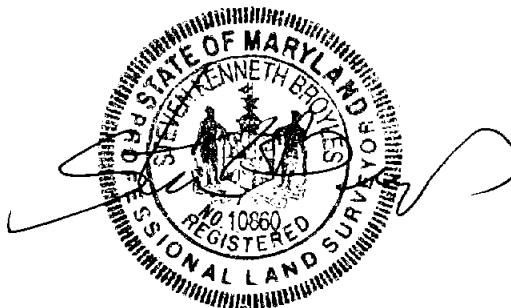
9101 CUCKOLD POINT ROAD

APRIL 20, 1992

Beginning for the same at a point on the east side of Cuckold Point Road right-of-way 30 feet wide, 5+ feet south of the center of Fourth Street right-of-way 30 feet wide, thence running and binding along the south side of Cuckold Point Road right-of-way

1. N 44° 22' E 50 feet to a point, thence leaving said road
2. S 59° 38' E 130+ feet to a point at the waters of the Chesapeake Bay, thence running along the waters of said Chesapeake Bay
3. S 44° 22' W 50 feet to a point, thence leaving the waters of said Chesapeake Bay
4. N 59° 38' W 130+ feet to the point of beginning as recorded in the land records of Baltimore County In Deed Liber 7384, folio 001.

BEING Lot No. 512 as shown on the plat of Swan Point as recorded in the Land Records of Baltimore County. Plat Book W.H.M No. 9 folios 4 and 5, containing 6500+ square feet or 0.149+ acres. Also known as 9101 Cuckold Point Road and located in the 15 th Election District.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-434-XA

District 1524

Date of Posting 6/19/92

Posted for: Special Exception & Variances

Petitioner: Albert & Ann Near

Location of property: 9101 Guckold PT Rd. on E/S, 5' + S Fourth St.

Location of Signs: 75' from road way on property of Petitioner

Remarks: _____

Posted by M. A. Deane
Signature

Date of return: 6/26/92

Number of Signs: 2



CERTIFICATE OF PUBLICATION

Case: #92-454-XA (Item 478)
E/S Cuckold Point Road, 6'
(+/-) S of c/1 Fourth Street
9101 Cuckold Point Road
15th Election District
7th Councilmanic
Petitioner(s):

Albert F. and Ann B. Nocar
Hearing Date: Monday,
July 6, 1992 at 9:00 a.m. in
Rm. 118, Courthouse

Special Exception: for fishing and shell fishing facility, shore line, Class I. **Variance:** to allow front yard setbacks as close as 33.2 ft. in lieu of 40 ft.; side yard setbacks as close as 5 ft. in lieu of 20 ft.; rear yard setbacks as close as zero ft. in lieu of 40 ft.; to allow washed gravel parking area in lieu of dustless durable surface; to not require striping of parking spaces; and to allow existing mooring pile as close as 8 ft. of divisional property lines in lieu of 10 ft.

TOWSON, MD.,

June 11, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 11, 1992.

THE JEFFERSONIAN,

C. Zabe Orlean

Publisher



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

92-454

Account: R-001-6150
Number

1-19-92

PAID TO HEARING FEE

FOR POSTING SIGNS / ADVERTISING

LAST NAME OF OWNER: NOLAN

Please Make Checks Payable To: Baltimore County 1-19-92

Cashier Validation

relief sought are more particularly described on the site plan which was marked into evidence as Petitioner's Exhibit 2.

A public hearing was held on July 6, 1992 during which testimony revealed that the Petitioners had failed to submit a findings plan for review and approval by the Department of Environmental Protection and Resource Management (DEPRM) as required concerning the use proposed and it's compliance with Chesapeake Bay Critical Areas legislation. It was agreed by all parties that the Petitioners would be given a period of time in which to prepare and submit said plan.

However, on December 1, 1992, this office inquired of DEPRM as to the status of this matter and was advised that the Petitioners had not yet submitted the required plan. The matter was subsequently dismissed without prejudice by Order issued on December 3, 1992. Shortly thereafter, this office was advised by Counsel for the Petitioners that, in fact, the Petitioners had been working with DEPRM in an effort to resolve this matter and that a findings plan had been submitted as required. The matter was then reopened by Amended Order issued February 5, 1993, pending the final recommendation from DEPRM as to the effect of the Petitioners' shellfishing operation on Critical Areas.

By letter dated September 19, 1994 from J. James Dieter, Director of DEPRM, to Mr. & Mrs. Nocar, the Petitioners were granted a variance from Critical Areas requirements. Furthermore, DEPRM indicated their support of the Petitioners' requests for Special Exception and Variance in the case before me, provided compliance with their recommendations is met. A copy of their recommendations, which was received in this Office on January 13, 1995 and marked as Petitioner's Exhibit A, has been incorporated into the case file and made a part hereof.

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

92-454

Account: R 001-6150
Number

Date

1/24/92

PUBLIC HEARING FEES

01

10.00

ORD -POSTING SIGNS / ADVERTISING

01

45.00

LAST NAME OF OWNER: HOGAR

01

5.00

Please Make Checks Payable To: Baltimore County \$95.40
BA 001-6150-24-92

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 6-18-92

Albert and Ann Nocar
9101 Cuckhold Point Road
Millers Island, Maryland 21219

RE:
CASE #92-454-XA (Item 478)
E/S Cuckold Point Road, 5' (+/-) S of c/l Fourth Street
9101 Cuckold Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Albert F. and Ann B. Nocar
HEARING: MONDAY, JULY 6, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 95.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Norman R. Stone, Esq.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

5/14/92

PUBLIC HEARING FEES	QTY	PRICE
020 - ZONING VARIANCE (OTHER)	1	\$250.00
050 - SPECIAL EXCEPTION	1	\$300.00

LAST NAME OF OWNER: NICAP

schler Validation

receipt

Account: R-001-6150
Number

04A04#0169MICHRC
BA C002:04PM05-14-92
\$550.00

92-4154-XH

11900047B

\$550.00

TOTAL 04A04#0169MICHRC
BA C002:04PM05/14/92

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353


JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-454-XA (Item 478)
E/S Cuckold Point Road, 5' (+/-) S of c/l Fourth Street
9101 Cuckold Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Albert F. and Ann B. Nocar
HEARING: MONDAY, JULY 6, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Special Exception for fishing and shell fishing facility, shore line, Class I.
Variance to allow front yard setbacks as close as 33.2 ft. in lieu of 40 ft.; side yard setbacks as close as 5 ft. in lieu of 20 ft.; rear yard setbacks as close as zero ft. in lieu of 40 ft.; to allow washed gravel parking area in lieu of dustless durable surface; to not require stripping of parking spaces; and to allow existing mooring pile as close as 8 ft. of divisional property lines in lieu of 10 ft.


Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Albert and Ann Nocar
Steven K. Broyles, P.E.
Norman R. Stone, Esq.
Joseph Sullivan

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1992

(410) 887-3353

Norman R. Stone, Esquire
6905 Dunmanway
Baltimore, MD 21222

RE: Item No. 478, Case No. 92-454-XA
Petitioner: Albert F. Nocar, et ux
Petition for Special Exception and
Zoning Variance

Dear Mr. Stone:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

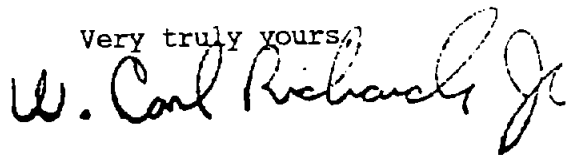
- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." The signature is written in dark ink and is positioned above the typed name.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 16, 1992

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item 478
#9101 Cuckold Point Road
Zoning Advisory Committee Meeting of June 1, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

The Bureau of Air Quality Management recommends approval of the variance to allow washed gravel in lieu of a durable and dustless surface. The area in question is small and traffic volume extremely light. Problems with dust are not likely.

JLP:sp

JABLON/S/TXTSBP

RECEIVED

JUN 23 1992

ZONING OFFICE

6469-92
6/24/92 JW
✓

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development
Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: June 5, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 1, 1992

The Office of Planning and Zoning has no comments on the following petitions:

George S. Nyquist	- Item 474
Stephen G. Swimm	- Item 477
Albert F. Nocar Jr.	- Item 478
Maryland Marine Mfg. Co.	- Item 479
Robert C. Eppig	- Item 480
James R. Porter	- Item 481
Dorothy S. Hunter	- Item 482
St. Lukes Health Ministries	- Item 484
Williams Estates	- Item 487
John M. Jacob	- Item 488
Gene Ensor	- Item 489
Lawrence F. Solomon	- Item 493

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 27, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALBERT F. NOCAR, JR. AND ANN B. NOCAR

Location: #9101 CUCKOHL POINT ROAD

Item No.: +478 (JLL) Zoning Agenda: JUNE 1, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry Pfeiffer Noted and
Approved _____
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
MAY 29 1992

ZONING OFFICE

92-454-XA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: CARL W. RICHARDS
ZONING COORDINATOR

May 19, 1992

FROM: JAMES H. THOMPSON -LJW
ZONING ENFORCEMENT COORDINATOR

RE: Item No. 478
Petitioner: STEVE BROYLES - ENGINEER

VIOLATION CASE # C-92-1702

LOCATION OF VIOLATION 9101 CUCKOLD POINT ROAD

DEFENDANT ALBERT & ANN NOCAR

ADDRESS ~~SAA~~ SAML

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME

ADDRESS

~~SAA~~ SAME as above
Joseph Sullivan

~~SAA~~ 21219

8825 Old Hartford Rd. 21238

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Inasmuch as the hearing on this matter took place 3 and 1/2 years ago, a brief review of the testimony and evidence submitted at that time is appropriate.

Appearing at the hearing on behalf of the Petitions were Albert F. Nocar, Jr., legal owner of the property, Richard S. Nocar, Sr., Kimberly A. Nocar, and several other residents from the surrounding community. The Petitioners were represented by Norman R. Stone, Esquire. Appearing as Protestants in the matter were Joseph and Marjorie Sullivan, Kenneth and Kathy Wallace, and Mark Canapp, nearby property owners. The Protestants were represented by J. Carroll Holzer, Esquire.

Testimony and evidence offered revealed that the subject property, also identified as Lot 512 on the site plan, consists of a gross area of 7,250 sq.ft., predominantly zoned D.R. 5.5 with a small portion of the site zoned B.M., and is located in the waterfront community known as Swan Point. The property is improved with a two-story single family dwelling, two sheds, and several accessory structures used in the subject shellfishing operation. The Petitioners have resided on the property for many years and have operated the subject business thereon since 1986. This operation consists of two slough boxes for soft crabs, two sheds, a boat ramp and a pier. Testimony indicated that the relief requested does not involve the construction of any new structures, merely to continue operating the subject shellfishing business on the subject property, utilizing the existing facilities.

Additional testimony revealed that this property is surrounded by many commercial uses and commercially zoned properties. In fact, a marina exists on the immediately adjoining property on the southeast side of the subject site at 9089 Cuckold Point Road (Lot 511). On the southwest side

ORDER RECEIVED FOR FILING
Date 1/17/85
By [Signature]

6/16/92
8

DFW/Traffic Engineering
Development Review Committee Response Form
Authorized signature Raher J. Familji

06/15/92
Date 6/16/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Albert F. And Ann B. Nocar

478

N/C

6-1-92

DEPRM TE

Maryland Marine Manufacturing Co., Inc.

479

N/C

DEPRM TE

Stonegate at Patapsco (Azeal Property)

90476

ZON DED TE (Waiting for developer to submit plans first)

COUNT 3

Keith M. And Patricia M. Lambert

496

N/C

6-2-92

DED DEPRM RP STP TE

COUNT 1

Samuel Frank And David Granat

494

N/C

6-8-92

DED DEPRM RP STP TE

Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning

495

N/C

DED DEPRM RP STP TE

William J. And Elizabeth G. Wachter

497

N/C

DED DEPRM RP STP TE

Ancita R. And James S. Henry

498

N/C

DED DEPRM RP STP TE

Douglas R. Small

499

N/C

DED DEPRM RP STP TE

Lyle L. Boltinghouse

500

N/C

DED DEPRM RP STP TE

Glenn A. And Patricia A. Sudano

501

N/C

DED DEPRM RP STP TE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____

Walter K

Date 6/8/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swimm	DED DEPRM RP STP TE	477	No Comment	6-1-92
✓ Albert F. And Ann B. Nocar	DED DEPRM RP STP TE	478	No Comment	
✓ Maryland Marine Manufacturing Co., Inc.	DED DEPRM RP STP TE	479	No Comment	
✓ Robert C. And Sylvia W. Eppig	DED DEPRM RP STP TE	480	No Comment	
✓ James Ronald And Beth B. Porter	DED DEPRM RP STP TE	481	No Comment	
✓ Nelson H. And Lee M. Hendler	DED DEPRM RP STP TE	485	No Comment	
✓ Leon G. McKemy	DED DEPRM RP STP TE	486	No Comment	
✓ Williams Management Services, Inc.	DED DEPRM RP STP TE	487	No Comment	
✓ John M. And Karen R. Jacob	DED DEPRM RP STP TE	488	No Comment	
✓ Matthew F. Reckenberger, Jr.	DED DEPRM RP STP TE	490	No Comment	
✓ Herbert H. And And Betty Rosen	DED DEPRM RP STP TE	491	No Comment	
✓ Meadows Park Ltd. Prtnrshp Russel Asset Mgt, Inc.	DED DEPRM RP STP TE	492	No Comment	

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature Dennis A. Kennedy

06/08/92

Date 6/8/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swimm	477	6-1-92	NC
DED DEPRM RP STP TE			
✓ Albert F. And Ann B. Nocar	478		NC
DED DEPRM RP STP TE			
Maryland Marine Manufacturing Co., Inc.	479		Comment
DED DEPRM RP STP TE			
✓ Robert C. And Sylvia W. Eppig	480		NC
DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481		NC
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485		NC
DED DEPRM RP STP TE			
Leon G. McKemy	486		Comment
DED DEPRM RP STP TE			
Williams Management Services, Inc.	487		Comment
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488		NC
DED DEPRM RP STP TE			
Matthew F. Reckenberger, Jr.	490		Comment
DED DEPRM RP STP TE			
✓ Herbert H. And And Betty Rosen	491		NC
DED DEPRM RP STP TE			
Meadows Park Ltd. Prtnrshp Russel Asset Mgt, Inc.	492		Comment
DED DEPRM RP STP TE			

7741-92
8/28/92
8

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

August 26, 1992

(410) 887-3733

Mr. Steven K. Broyles, P.E., P.L.S.
Broyles, Hayes & Associates
1922 Middleborough Road
Baltimore, Maryland 21221

92-454-XA

Re: Nocar property
Zoning Special Exception-Item 478

Dear Mr. Broyles:

The Environmental Impact Review Division has completed its review of the zoning petition for a special exception and variances. The following comments must be addressed prior to plan approval.

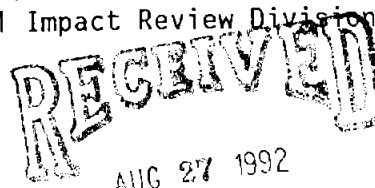
1. A fishing and shell fishing facility is a water dependent activity and is permitted as-of-right in the IDA, LDA, and RCA classifications of the Critical Area. Therefore, structures that are water dependent, such as the slough boxes, are permitted within the 100 foot buffer. All structures greater than 100 square feet require building permits. Electrical and plumbing permits must also be obtained, if needed.
2. Structures that are not water dependent, such as the two existing sheds, must be relocated outside the 100 foot buffer. These structures also require building permits if they are greater than 100 square feet.
3. The property must come into compliance with the 15% forest cover requirement. Credit will be given for existing trees, however, new plantings must be in accordance with the forest establishment manual and planted in the 100 foot buffer.
4. This property is limited to impervious surfaces that sum to 25% of the lot. A gravel driveway is considered impervious unless it is constructed of washed stone on a filter fabric base. A resubmitted site plan must propose a method to bring this property into compliance with the impervious surface limit.

If you have any questions please contact me or Ms. Nancy Pentz at 887-2904.

Sincerely,

Patricia M. Farr
Program Supervisor
Environmental Impact Review Division

PMF:NSP:ju
c: Mr. & Mrs. Albert Nocar
Mr. Tim Kotroco
BROYLES2/WQBCA



ZONING OFFICE





Zoning

Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

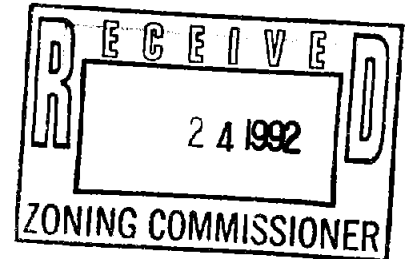
INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco
Deputy Zoning Commissioner

FROM: James H. Thompson
Zoning Enforcement Coordinator

SUBJECT: CASE NO. 93-1071
CASE NO. 92-454-XA
9101 CUCKOLD POINT ROAD
15TH ELECTION DISTRICT

November 20, 1992



In reply to the November 17, 1992 letter from Joseph and Marjorie Sullivan to Director Arnold Jablon, this office has created an active case file.

However, until such time as a decision is rendered by the commissioner's office, our division can take no action on this matter.

Therefore, upon making a ruling, it is imperative that such order be forwarded to us for enforcement action.

cc: Inspector Craig McGraw
Joseph & Marjorie Sullivan

LAW OFFICES
HOWARD AND STONE
PROFESSIONAL BUILDING
6905 DUNMANWAY
DUNDALK, MARYLAND 21222

CHARLTON T. HOWARD
NORMAN R. STONE, JR.

TELEPHONES
(301) 284-2860
(301) 288-5270

December 10, 1992

Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Office of Planning
and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, Maryland 21204



RE: PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCE
E/S Cuckhold Point Road, 5' S of the c/l of 4th
Street (9101 Cuckhold point Road)
15th Election District-7th Councilmanic District
Albert F. Nocar, Jr. - Petitioner
Case No. 92-454-XA

Dear Commissioner Kotroco:

I have just received a copy of your decision to dismiss the above case for failure to comply with the submission of a findings plan as required by the Critical Areas legislation.

I am respectfully requesting that you reconsider this decision inasmuch as I have been advised by Steve Broyles that he has submitted a plan to DEPRM and has had at least two (2) meetings on this proposal. He further advises that he received an acknowledgement of this transmittal from the Department.

It has been my experience in the past that it often takes much longer than five (5) months to get a decision from DEPRM with regard to findings. As I recall, in one particular case involving Sea Marina, it took nearly a year.

Mr. Broyles has advised that he will diligently pursue this matter with the Department.

While I appreciate that this case was dismissed without prejudice, it will still be necessary to refile and take all of the testimony, which you will recall was quite lengthy.

In closing, I wish to add that this decision came as quite a surprise to me since I was under the opinion that the matter of the findings plan was proceeding in a normal manner.

In view of the above, I would appreciate your reconsideration of the

TO: Timothy M. Kotroco
Deputy Zoning Commissioner
RE: Case No. 92-454-XA

December 10, 1992

Page Two

matter with an additional period of time to obtain approval of the plan.

Thanking you for your cooperation in this matter, and with kind regards,
I am

Very truly yours,



Norman R. Stone, Jr.

NRS,JR:slh

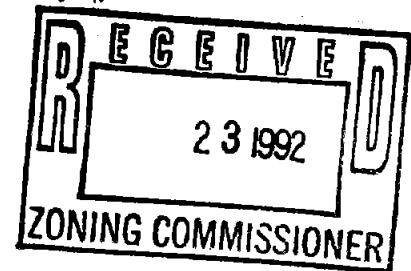
cc: J. Carroll Holzer, Esquire
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204

LAW OFFICES
HOWARD AND STONE
PROFESSIONAL BUILDING
6905 DUNMANWAY
DUNDALK, MARYLAND 21222

CHARLTON T. HOWARD
NORMAN R. STONE, JR.

TELEPHONES:
(301) 284-2860
(301) 288-5270

December 18, 1992



Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Office of Planning
and Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & ZONING
VARIANCE
E/S Cuckhold Point Road, 5' S of the c/o of
4th Street (9101 Cuckhold Point Road)
15th Election District-7th Councilmanic District
Albert F. Nocar, Jr., Petitioner
Case No. 92-454-XA

Dear Commissioner Kotroco:

I am in receipt of a letter to you from J. Carroll Holzer, Esquire, urging in effect, that you not reconsider your decision to dismiss the above captioned case.

I strongly object to Mr. Holzer's allegations that the matter is being dragged and delayed.

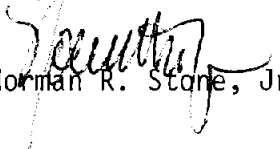
While I will not repeat the arguments expressed in my previous letter, the history of this case does not support his assertions.

In addition, obviously, there will be no shellfish operation carried on during the winter months.

Once again, I respectfully request that you reconsider your decision with our assurance that Mr. Broyles will continue to pursue approval the findings plan in a timely manner.

Thanking you for your cooperation in this matter, I am

Very truly yours,


Norman R. Stone, Jr.

NRS,JR:slh

cc: J. Carroll Holzer, Esquire
Mr. Albert F. Nocar
Mr. Steven K. Broyles

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
THOMAS J. LEE

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(410) 825-6960
FAX (410) 825-6964

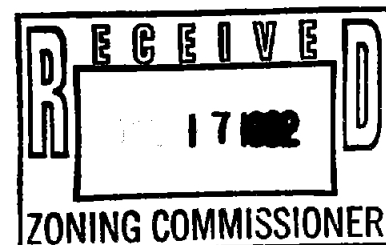
CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MARYLAND 21784
(410) 795-8556
FAX (410) 795-5535

J. HOWARD HOLZER
1907-1989

SUITE 700
1725 DE SALES STREET, N.W.
WASHINGTON, D.C. 20036

December 17, 1992
#6650

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Office
of Planning & Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, Maryland 21204



RE: Petition for Special Exception and Zoning Variance
E/S Cuckhold Point Road, 5' S of the C/1 of 4th Street
(9101 Cuckhold Point Road)
15th Election District - 7th Councilmanic District
Albert F. Nocar, Jr. - Petitioner
Case No.: 92=454-XA

Dear Deputy Commissioner Kotroco:

I received a copy of Mr. Stone's letter concerning the dismissal of the above captioned case dated December 10, 1992. I must respectfully disagree with Mr. Stone and urge that you not reinstitute this case. All this time, there has been a continuing zoning violation which has not been the subject of enforcement by Baltimore County officials due to the filing of this Petition.

It seems clear that this matter is being dragged and delayed through an inordinate amount of time and on behalf of my client, I would respectfully request that Baltimore County enforce the Zoning Regulations in this case until such time as the matter is right for resolution by Mr. Albert F. Nocar, Jr.

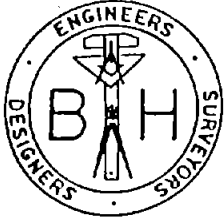
Thank you for your cooperation in this matter.

Very truly yours,

J. Carroll Holzer
J. Carroll Holzer

JCH:mlg

cc: Norman R. Stone, Jr., Esquire
Mr. & Mrs. Joseph Sullivan



BROYLES, HAYES AND ASSOCIATES

Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

April 29, 1992

QZ-454-XXA

Mr. Arnold Jablon
Director
Office of Zoning Administration and Development Management
Office Of Planning & Zoning
Baltimore County Government
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Special Exception & Variance
Albert F. and Ann B. Nocar (his wife)
9101 Cuckold Point Road
Special Exception for Fishing and shelling fishing facility,
Class I.

STATEMENT OF JUSTIFICATION

I am requesting a zoning special exception for a fishing and shell fishing facility, shoreline, Class I under section 1B01.1.C.7A and to amend the site plan for 9101 Cuckold Point Road, Lot 512 from Zoning Variance Case # 86-234 A granted on December 11, 1985.

Mr. Nocar and his wife have owned, resided and operated a fishery and shellfish facility at this site since 1986. The dwelling, two slough boxes for soft crabs, two sheds, boat ramp and pier are all existing. This request does not include any new structures. A previous owner Karl A. Klingelhoefter also operated a commercial fishery since 1946 at this site.

The area has been a commercialized area for many years. The property bordering this lot to the south east is zoned BM with a existing marina. The property to the north west across the street is a tavern by non-conforming use. The property bordering the lot to the north east is a vacant residential lot 50' wide and adjacent to the vacant lot is a boat yard and marina with BM zoning. These two lots 512 (subject lot) and 513 (vacant lot) are approximately 100' wide by 130' deep property zoned D.R. 5.5 and surrounded on three sides by existing heavy commercial uses. The fishery special exception requested on this lot is a minor commercial use compared width the adjacent commercial zoning.

and further down the road are two more marinas at 9107 and 9109 Cuckhold Point Road (Lots 514 and 515, and Lot 516, respectively). Lot 513, which immediately adjoins the subject property on the southwest side, is presently vacant. Lastly, a tavern exists across from the subject site at 9100 Cuckhold Point Road.

Further testimony indicated that the requested variances are for existing conditions on the property as depicted on Petitioner's Exhibit 2, and that the variance to permit a durable and dustless surface will allow the Petitioners to maintain the existing stone and gravel driveway which will reduce the amount of impervious surface on the lot and make the property more environmentally appropriate. In support of their requests, the Petitioners submitted as Petitioner's Exhibit 3 a Petition signed by numerous residents of the surrounding community who are not opposed to their use of the property for a shellfishing operation.

Appearing and testifying in opposition to the Petitioners' request was Mr. Joseph Sullivan, owner of the adjoining property on the southwest side of this site, identified as Lot 513 on the site plan. While Mr. Sullivan does not reside on his property, he objects to the Petitioners' crabbing operation, which he stated is both an eyesore and permeates foul odors. Mr. Sullivan testified that when he visits his property, he finds the subject operation to be both an eyesore and offensive to his enjoyment of his property. Mr. Sullivan submitted as Protes-
tant's Exhibit 8 a photo montage of the subject property and the crabbing operation thereon. Mr. Sullivan objects to the pick-up used to distribute the crabs once brought to the property and customers visiting the property to purchase crabs. Mr. Sullivan argued that this crabbing operation is out of character with the residential zoning of the property.

ORDER RECEIVED FOR FILING

Date

By

April 29, 1992
Mr. Arnold Jablon
9101 Cuckold Point Road
Page 2

92-454-XA

The variances being requested are from:

Section 1B01.2.C.1 Non-residential principle building setbacks in D.R. Zones for existing shell fishing support structures to allow:

1. Front yard setbacks as close as 33.2' in lieu of the required 40' setback.
2. Side yard setbacks as close as 5' in lieu of the required 20' setback.
3. Rear yard setbacks as close as 0' in lieu of the required 30' setback.
4. Building to Building setback as close as 1.5' in lieu of the required 40' setbacks.

All of the setback variances are requested for shell fishing support structures which are existing. There is a practical difficulty with these set backs since the front yard set back is 40' and the rear yard set back is 30' totaling to a sum of 70' for set backs. The entire area behind the existing dwelling to the shoreline is only 65' deep by 50' wide. Imposing the required setbacks leaves no buildable area. Furthermore all of the structures are existing and would need to be razed to move them.

Strict enforcement of the regulations would require removing these structures which would be a hardship to the owner denying him of use and enjoyment of the property. These structures are essential to operate this shell fishing facility.

5. Section 409.8.A.2 to allow a washed gravel parking area in lieu of the required dustless durable surface. There is a practical difficulty since this site lies in the Chesapeake Bay Critical area Protection Zone. This variance is being requested to reduce impervious surfaces in the spirit intent of Chesapeake Bay Critical Area Regulations. The existing site has 21.26% impervious surface and is in a Chesapeake Bay Critical Area (CBCA) Limited Development Zone. Baltimore County Council Bill 74-91 limits the amount of impervious surface on a residentially zoned lot of this size to 25%. Further more the Bill does not allow for a Variation of Standard for Chesapeake Bay Critical Area Regulations for this criterion.

Strict enforcement of this regulation would require additional 1350 sf. of paving raising the impervious surfaces to 42% which would not be allowed by CBCA Regulations. This would be a hardship to the owner not allowing him current use and enjoyment of his property due to inherent conflicts in regulations.

April 29, 1992
Mr. Arnold Jablon
9101 Cuckold Point Road
Page 3

Q2-454-XA

6. Section 409.8.A.6 to not require striping of parking spaces. There is a practical difficulty in striping a gravel parking lot. This section requires that striping shall be maintained so as to remain visible. This is a practical difficulty since there is a gravel surface which is not suitable for receiving striping.

Strict enforcement of this regulation would be impossible with a gravel parking lot and would be a hardship to the owner in trying to maintain the same.

7. Section 417.4 to allow existing mooring piles as close as 8' of divisional property lines in lieu of the required 10'. This is a practical difficulty since the variances are being requested for mooring piles at the two adjacent properties for existing construction which has existed for some time. The piles are existing and use is not controlled by Mr. Nocar. The existing mooring piles which Mr. Nocar has use of, conform to the Baltimore County Zoning Regulations.

Strict enforcement of this regulation would be a hardship to the owner requiring him to move mooring piles not under his riparian use. Mr. Nocar has no legal vehicle to encourage adjacent property owners to relocate existing pilings.

Granting this special exception and variances will allow Mr. Nocar to continue earning his income as a Baltimore County Waterman, a vanishing culture and heritage. The facility is surrounded by intense existing commercial uses and is much less of a impact to the community at large than most of his neighbors. This use as a fishery and shell fishing facility has existed for six years without being a detriment to the health, safety and general welfare of the locality.

Granting this special exception and variances would be within the spirit and intent of the Baltimore County Zoning Regulations.

Thank you for your consideration in this matter. If you have any questions, please feel free to me.

Very truly yours,

Steven K. Broyles, P.E., P.L.S.



SKB:amb
current jobs/nocrzonl.var

NOTE: SEPARATE PERMIT REQUIRED FOR ALL ELECTRICAL AND PLUMBING WORK

NOTE: APPROVED PLANS MUST BE ON SITE FOR INSPECTIONS, INCLUDING COMMENTS

Inspections shall be called for between 7:30 A.M. & 2:30 P.M. with one days notice on all inspections, except occupancy inspections, which require at least three days. Plumbing and Electrical inspections must be called for by registered licensed personnel. For inspections call: BUILDING 494-3953, PLUMBING 494-3620, ELECTRICAL 494-3960, FIRE DEPT. 825-7310 ext. 216. The following inspections are required for construction indicated:

1. Footing inspection: shall be called for as soon as the trenches are completed and steel in place if required before pouring concrete.
2. Foundation inspection: shall be called for when the foundation has been waterproofed and before backfilling with earth.
3. Slab inspection: shall be called for when all reinforcing, piping, wiring, weepholes, drain tile, etc., are in place or completed and inspected by Plumbing/Electrical inspection and before pouring concrete.
4. Framing inspection: shall be called for when all structural members are in place, electric and plumbing roughed in and inspected, chimney and duct work installed and before covering with lathe, insulation or drywall. All fire stopping to be installed. A separate ceiling grid inspection to be determined by inspector.
5. Insulation Inspection: after framing inspection, but prior to sheetrock.
6. Occupancy or Final inspection: shall be called for after all other County Agencies concerned have approved, but before the structure is used or occupied.

New Buildings: 6 Inspections Required:
Footing - Foundation - Slab - Framing - Insulation - Occupancy

Alterations: 3 Inspections Required:
Framing - Insulation - Occupancy or Final

Towers: 2 Inspections Required:
Footing - Final

Factory Built Fireplace and Stoves: 2 Inspections Required:
Framing with thimble in place - Final

Masonry Fireplace: 3 Inspections Required: Footing - Throat/Framing - Inspection shall be called for when the throat/framing of the unit is complete, but prior to the erection of the chimney - Final

Tanks: 3 Inspections Required:
Hydrostatic (Fire Dept.) Excavation w/tank, bedding and piping in place prior to backfill (Bldg. Insp.) - Final

Tank Removal: 1 Inspection Required:
tank removed and hole sterilized prior to backfill

Swimming Pools: 4 Inspections Required:
Steel in place and Bonded - Concrete Poured - Fence erected - Final

Fencing, Siding, Razing, Grading and Temporaries - 1 Inspection Required:
Final (when all work completed per permit)

WELL INSPECTION MUST BE MADE TWO WEEKS BEFORE OCCUPANCY OR FINAL INSPECTION IS TO BE CALLED FOR - 494-2762

** Mechanical Work: Depends on type and extent of work. Contact Inspector after or during preliminary inspection.

TRANSMITTAL

Date 12/21/92 Job No. _____

Attn.: TIMOTHY KOTROCO

Re.: 9101 CUCKHOLD POINT ROAD

ITEM 478

CASE NO. 92-454-XA



BROYLES, HAYES AND ASSOCIATES, INC.

Engineers • Land Planners • Surveyors
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221
PHONE (410) 574-2227 • FAX (410) 574-2284

TO MR. TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

ZONING ADMINISTRATION & DEVELOPMENT

MANAGEMENT OFFICE

GENTLEMAN:

WE ARE SENDING YOU

☒ PRINTS

☐ ORIGINALS

☒ ATTACHED

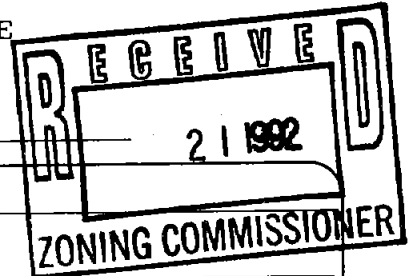
☐ COMPUTATIONS

☐ REPORTS

☐ UNDER SEPARATE COVER:

☒ DOCUMENTS

☐ OTHER _____



COPIES	DATE	NUMBER	DESCRIPTION
1	8/20/92		FINDINGS PLAN
1	8/20/92		TRANSMITTAL
1	8/26/92		D.E.P.R.M. CORRESPONDENCE

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL

☐ FOR YOUR USE

☐ AS REQUESTED

☐ FOR REVIEW AND COMMENT

☐ APPROVED AS SUBMITTED

☐ APPROVED AS NOTED

☐ RETURNED FOR CORRECTIONS

☐ _____

☐ RESUBMIT _____ COPIES FOR APPROVAL

☐ SUBMIT _____ COPIES FOR DISTRIBUTION

☐ RETURN _____ CORRECTED PRINTS

REMARKS: _____

SIGNED

STEVEN K. BROYLES, P.E.

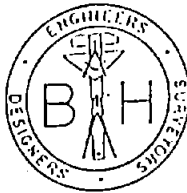
TRANSMITTAL

DATE 8/20/92 JOB NO. _____

ATT.: Ms. PAT FARR

RE.: 9101 Cuckold P+Rd

CASE # 478



BROYLES, HAYES & ASSOCIATES

ENGINEERS • DESIGNERS • SURVEYORS

1922 MIDDLEBOROUGH RD.

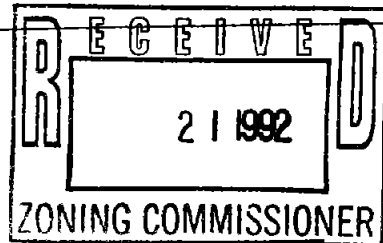
BALTO., MD. 21221

(301)-574-2227

TO Ms. PAT FARR

C.B.C.A

D.E.P.R.M.



GENTLEMAN:

WE ARE SENDING YOU ☒ ATTACHED ☐ UNDER SEPARATE COVER:

☐ SHOP DRAWINGS

☐ SAMPLES

☐ PLANS

☐ SPECIFICATIONS

COPIES	DATE	NUMBER	DESCRIPTION
2	8/20/92	1	Findings Plan
1	8/20/92		Check List

THESE ARE TRANSMITTED AS CHECKED BELOW:

☒ FOR APPROVAL

☐ FOR YOUR USE

☐ AS REQUESTED

☐ FOR REVIEW AND COMMENT

☐ APPROVED AS SUBMITTED

☐ APPROVED AS NOTED

☐ RETURNED FOR CORRECTIONS

☐ _____

☐ RESUBMIT _____ COPIES FOR APPROVAL

☐ SUBMIT _____ COPIES FOR DISTRIBUTION

☐ RETURN _____ CORRECTED PRINTS

REMARKS: Received - RV.

SIGNED

Stu Broyles

6-93-1071

9042-92

11/19/92
g
to JT

Joseph & Marjorie Sullivan
8825 Old Harford Road
Baltimore, Md 21234

November 17, 1992

Mr. Arnold Jablon
Zoning Enforcement Director
and Development Management
111 W. Chesapeake Ave., Room 109
Towson, MD 21204

Re: 9101 Cuckold Point Road
Millers Island, MD 21219

Dear Mr. Jablon,

This is a letter of complaint which is in reference to the property known as 9101 Cuckold Point Road, Millers Island, Maryland, 15th Election District, 7th Councilmanic, Precinct #19, property owners being Albert F. and Ann B. Nocar.

Violation - Operating a Shellfish and Seafood Business which is out of compliance with zoning regulations as per the Deputy Zoning Commissioner and DEPRM.

On July 6, 1992 Mr. Nocar was told that he was to file paper work with DEPRM so as they could do a finding's report which was to be sent to zoning to complete the case for special exception which was never granted.

According to the Deputy Zoning Director, Mr. Nocar is out of compliance with, and is abusing the process for filing for special exception. No paper work was ever filed according to Mr. J. Carroll Holzer, our attorney, and the Deputy Zoning Officer.

Mr. Nocar continues to operate this business and has done so all summer of which I have witnesses.

We have witnessed the selling of crabs to people coming in trucks to his property. Mr. Nocar also operates a wholesale seafood route in which he delivers seafood of various types, to businesses around the areas, this he also operates out of his home. Mr. Nocar operates without regard to anyone, he does whatever he wants, builds whatever he wants, and no one stops him. He has told people he has "Exception's" - this is not true.

November 17, 1992

Mr. Arnold Jablon
Zoning Enforcement Director

Re: 9101 Cuckold Point Road
Millers Island, MD 21219

A hearing was held on July 6, 1992 Case #92-454-X (Item 478), no final decision was made because Mr. Nocar failed to file the necessary paper work with DEPRM. He is out of compliance and special exception was not granted.

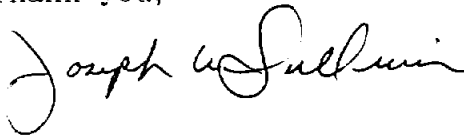
Also, as per Miss L. Rettew of Plans & Review stated: The area underneath the first floor is for parking of vehicles only. No equipment, machinery, or storage is allowed. All machinery and equipment (furnace, water heater, laundry, etc.) must be located on the first or second floor.

Violations do exist, it would be advisable to check underneath Nocar's home for violations - decks, steps, storage, laundry, equipment, machinery, etc.

We also request the removal of slough boxes and crab pots. Not only are they an eyesore, but the foul odor and rodents have been seen around the pots. This property is zoned residential DR 5.5.

Response requested.

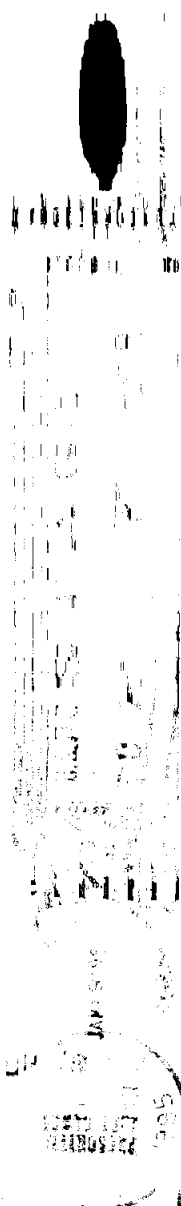
Thank you,



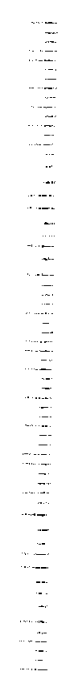
Joseph Sullivan
Property Owner
9103 Cuckold Point Road

cc: Mr. J. James Dieter, Dir. EPA
Mr. Timothy M. Kotroco, D.Z.C.
Mr. J. Carroll Holzer, Esq.

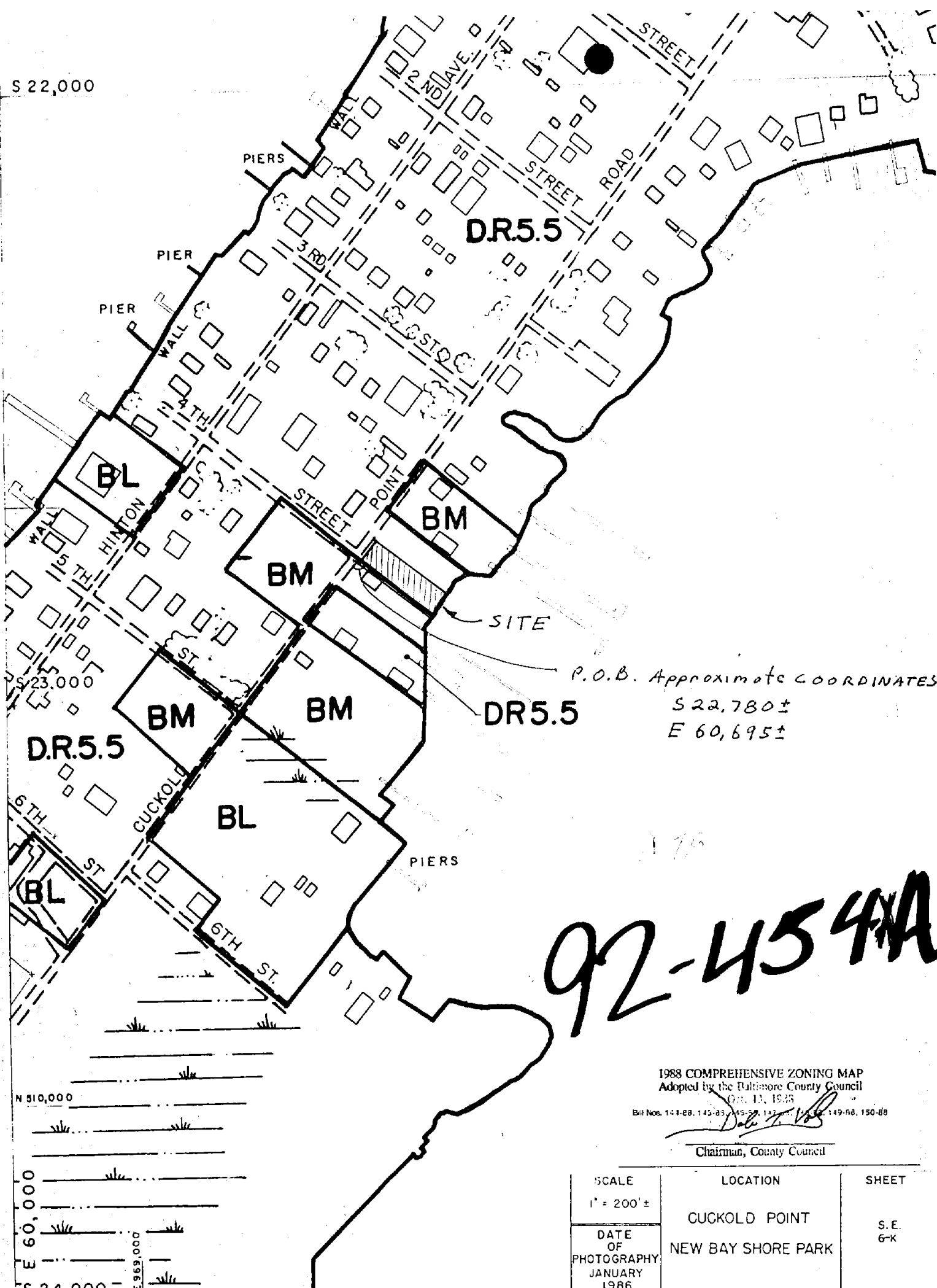
RECEIVED
NOV 19 1992
ZONING OFFICE



& Mrs. Joseph Sullivan
Old Harford Road
more, Maryland 21234



S 22,000



P.O.B. Approximate COORDINATES
S 22,780±
E 60,695±

92-454A

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Bill Nos. 141-88, 145-88, 145-89, 147-89, 148-89, 149-88, 150-88

[Signature]
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	CUCKOLD POINT	S. E.
DATE OF PHOTOGRAPHY JANUARY 1986	NEW BAY SHORE PARK	6-K

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. As noted earlier in this opinion, the subject property is split zoned D.R. 5.5 and B.M. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

As noted above, a review of the site plan for this property and the zoning map for this area reveals that Cuckhold Point contains many business-related activities. They range from a tavern to marinas and

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert S. Horan Sr.

3619 Dudley Ave Baltimore

Kimberly A. Horan

3619 Dudley Ave 21213

Bob Ward

8916 Chesapeake Ave 21219

Michael Paley

9033 Cuckold RT Rd 21219

Alta Balkus

9100 Hinton Ave

Joe F. Furl

2812 12TH ST 21219

Bonnie Handwerter (Bonnie's Cakes)

7656 Baltimore Rd 21222

Martin G. Weiskopf

1949 Guy Wagon Baltimore 21222

Theresa Ruth Deane

2806 4TH STREET BALTIMORE MD 21219

JERRY RUM

8812 HINTON AVE BALTO. MD. 21219

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Joseph Sullivan

Kenneth Wallace

Mark Crapp

Mayorie Sullivan

Kathryn Wallace

8825 Old Hartford Rd.

42 HELMSMAN CT

15 Ebbing Ct.

8825 Old Hartford Rd.

42 Helmsman Ct.

DP 3
1/79



PETITIONER'S EXHIBIT 1 Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

CONSTR. PLANS	PLAT PLANS	RECORD PLAT	PLANS WAIVED	LETTER OF INTENT	DATA	AFF	SUPERVISION WAIVER
2	5	2					
TAX ACCOUNT NUMBER 15-11470340							

BUILDING PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

CENSUS		ELEC.		PLUMBING	
TRACT	BLOCK	YES	NO	YES	NO
4519		X		X	

SMM/LAC/SMM

DATE ISSUED MAY 16 1986

BUILDING PERMIT NO.	DISTRICT	PRECINCT
87580	15	19
CONTROL NO.		
NR		

BUILDING ADDRESS	9101 CUCKHOLD POINT ROAD				
OWNER'S NAME	WILLIAMSBURG HOMES INC.				
MAILING ADDRESS OF OWNER	23 DICKENS SQUARE, TIMONIUM, MD. 21093				
IDENTIFICATION	NAME	ADDRESS	CITY	STATE	ZIP
TENANT					
BUILDING CONTRACTOR	WILLIAMSBURG HOMES, INC.				
ENGINEER OR ARCHITECT					
IF UNDER CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS					
TRANSFER DESCRIPTION	S/ S. CUCKHOLD POINT RD.				

A. TYPE OF IMPROVEMENT

- 1 ☒ NEW BUILDING CONSTRUCTION
2 ☐ ADDITION
3 ☐ ALTERATION
4 ☐ REPAIR
5 ☐ WRECKING (ENTER NO. UNITS DEDUCTED)
6 ☐ MOVING
7 ☐ OTHER

RESIDENTIAL

- 01 ☐ ONE FAMILY
02 ☐ TWO FAMILY
03 ☐ THREE AND FOUR FAMILY
04 ☐ FIVE OR MORE FAMILY (ENTER NO. UNITS)
05 ☐ SWIMMING POOL
06 ☐ GARAGE
07 ☐ OTHER

C. TYPE OF USE

NON-RESIDENTIAL

- 08 ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09 ☐ CHURCH, OTHER RELIGIOUS BUILDING
10 ☐ FENCE (LENGTH _____ HEIGHT _____)
11 ☐ INDUSTRIAL, STORAGE BUILDING
12 ☐ PARKING GARAGE
13 ☐ SERVICE STATION, REPAIR GARAGE
14 ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15 ☐ OFFICE, BANK, PROFESSIONAL
16 ☐ PUBLIC UTILITY
17 ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18 ☐ SIGN
19 ☐ STORE ☐ MERCANTILE ☐ RESTAURANT
SPECIFY TYPE _____
20 ☐ SWIMMING POOL (MD. HEALTH DEPT. APPR. REQ.)
21 ☐ TANK, TOWER
22 ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS _____)
23 ☐ OTHER

DESCRIBE PROPOSED WORK ☐ 1 AND 2 FAM CODE

CONSTRUCT FOUNDATION FOR AND ERECT STATE APPROVED INDUSTRIALIZED DWELLING WITH NO GARAGE AND NO BASEMENT. NO FIREPLACES, DECKS, OR PORCHES. DISTURBED AREA UNDER CORRECT LIBER AND FOLIO 915. INCORRECTLY SHOWN ON TERMINAL. 1ST FL. ELEV. -10.40.

TYPE FOUNDATION
<input type="checkbox"/> SLAB
<input checked="" type="checkbox"/> BLOCK
<input type="checkbox"/> CONCRETE
<input type="checkbox"/> BASEMENT
<input type="checkbox"/> FULL
<input type="checkbox"/> PARTIAL
<input type="checkbox"/> NONE

B. OWNERSHIP

- 1 ☒ PRIVATELY OWNED 2 ☐ PUBLICLY OWNED

ESTIMATED COST OF MATERIAL & LABOR

70,000

CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY

DETACHED	TOWN HOUSE	GROUP	TOWN HOUSE	MID RISE	HIGH RISE
1	2	3	4	5	6

24 PROPOSED USE(S)

S.F.D. AND PTER
PTER

EXISTING USE(S)

THIS PERMIT MUST BE POSTED

SEE OTHER SIDE FOR INSPECTIONS

PETITION

PETITIONER'S EXHIBIT 3

We the undersigned, citizens of Baltimore County, do not oppose the
us of a portion of the residential property owned by Albert F. Nocar Jr.
known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County,
as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Ed H. Heiger	9800 MILLERS ISLAND RD	477-0593
Fanny Oppenheimer	8800 MILLERS ISLAND RD	477-4164
JOE L. HIZER	2808 10TH ST	
Barbara Heiger	2807 10th St.	388-1387
Edward Heiger-Jr.	2807 10th St.	388-1387
Margaret Heiger	9900 MILLERS ISLAND RD	477-0893
Mr. & Mrs. J. H. H. H.	8911 Hutter Ave.	388-2982
Kudrey Howell	2809 First St.	477-3674
Marked H. H. H.	56 Shore Rd Rt 10	477-5510
Paul Killmer	2919 Ross Ave	477-4163
Ken Killmer	2919 Ross Ave	477-4163
Andy Stauder	56 Shore Rd Rt 10	477-5510
John Stolla	9011 Chesapeake Ave	477-4720
Peggy Stolla	9011 Chesapeake Ave	477-4720
Anna Lake	8907 Cuckold Pt Rd	477-8520
Charles Lake	8907 Cuckold Pt Rd	477-8520
Cindrey Kite	7710 Seaboard Rd	477-1443
John Kite	7710 Seaboard Rd	477-1463
John M. Call	2401 Woodbridge Rd	477-9015
John M. Call	7222 Legation Ave	477-2483
John M. Call	2802 1st ST	477-0092
P. J. F. F.	2707 Bay Dr.	477-4713
Anthony G. Velivis	2806 11TH STREET	477-0563

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, is a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Terre H. Williams	2808 1 st ST.	477-3546
Brian H. Williams	2809 1 st ST.	477-3546
Duke D. Williams	2808 1 st ST.	477-3546
Mary Herhart	7834 Denton Ave	477-2515
Carol Herhart	" "	477-2515
James R. Herhart Sr.	" "	477-2515
James R. Herhart Jr.	" "	477-2515
Michael Willis	9100 Cuckold Point Road	477-0859
Matthew Trimmer	9427 North Point Road	477- 477 5548
Mareena Trimmer	" "	477-5548
Charles Trimmer	" "	477-5548
Thomas E. Volk	1117 Gorsuch Ave	235-4607
Robert Volk	9100 Hinton Ave	477-5500
John Volk	" "	" "
Ray Drotter	9007 Miller Dr. Rd.	477-4795
Helma Bronska	6101 Cornell Rd	335-3788
Evel Bronska	6101 Cornell Rd	335-3788
Theresa L. Hover	2475 Schaffers Rd.	574-7436
Walter L. Singleton	2475 Schaffers Rd.	574-7436
Harold J. Bronska	1914 Parker Rd.	686-8579
John Volk	9015 Cuckold Pt Rd	477-5137
James C. Palecki	9033 Cuckold Pt. Rd	477-5137
Michael Palecki	9033 Cuckold Pt. Rd.	477-5137
William Palecki	9033 Cuckold Pt. Rd.	477-5137

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Peter Szaboli	9117 Cuckold Pt. Rd	477-1610
Carroll D. Hamell	2809 First St. 21219	477-3674
Dawn Miksha	2811 7th Street	477-0384
Catherine C. Bagf	8927 Cuckold Pt Rd	477-8392
James M. Fleiner	4114 Beachwood Rd.	477-1485
George Kondygas	9008 Cuckold Pt Rd	477-3828
James Kondygas	9008 Cuckold Pt Rd	477-3828

PETITION

W the undersigned, citizens of Baltimore County, do not oppos th use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
George L. Kelly	9100 Cuckoo Pt. Rd.	477-1378
Judy & Otto	2812 3rd St	477-4718
Martin G. Willhide	1949 Guy Way	288-2705
Joseph F. Puraf	2812 12TH ST	477-0138
Barbara Holland	Rt 10 Box 6590	477-8726
J. L. Buckler	2408 Woodridge Rd.	477-9343
Betty Buckler	2408 Woodridge Rd.	477-9343
Chris Willis	9100 Cuckoo Pt. Rd.	477-0859
Laura W. Wroniewski	9100 Cuckoo Pt. Rd.	477-0859
James Mayhew	2808 1st St	477-5946
Frances Johnson	2430 Alma Rd-21227	247-9089
Copier John	2430 Alma Rd 21227	247-9089
John J. Hall	7036 Breckin Rd 21221	335-2734
Chas. W. Hall	9134 Hinton Ave.	477-4063
Mike Buckler	1002 Sumter Ave	594-4108
Michael Wroniewski	8218 Rosemont Avenue	284-3360
Leith Wroniewski	8218 Rosemont Avenue	284-3360
Stuart N. Munnaway	200 Ashwood Rd 21222	288 0700
L. Susan Munnaway	200 Ashwood Rd "	"
Craig Munnaway	200 Ashwood Rd "	"

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Dorothy J Prough

9039 Cuckold Point Road

388-1866

Donald L Proush

9039 Cuckold Point Road

388 1866

Howard L Pough

9039 Club of Point Road.

388-1866

Charles Prough

9034 Cuckold Pt Rd

358-1866

ROBERT HAFER

3131 HESS AVE.

661-6925

Elmer Lewis

30/5 Pulaski Hwy

Jenny & Catha Inman

9104 Cockold Pt Rd

477-5054 ✓

Th. Chua

7041 Dunhill RD.

202-0798

Theron A. Crowe.

7041 Dunhill Rd

282-0398

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

(REMARK)

Address

Phone Number

NAME	ADDRESS	PHONE
James M. Fisher	7201 BECHER RD.	477-8868
Blair St. South	7841 N. COME RD	477-0763
Robert Funkhouser	7607 Bayside ave	477-8564
Robert Handel	3649 Malton Ave	—
Barbara Bandy	984 Ave A	477-6728
Joseph M. Bandy	7902 DEX HILL	922-0538
Wick Mckenzie	2508 N. Snyder Ave	388-0984
J. G. Leonard	2405 Lodge Farm Rd	477-8479
C. Mascock	2806 4th St.	477-3046
Marv Musick	2806 4th St	477-3045
Charles Mills	1360 RING CT	477-3288
William P. Miller	7863 St. Fabian Lane	477-2868
N. E. Mulholland	2130 CONNING CIR	335-8127
Walter Mulholland	9014 Cuckhold Pt. Rd.	388-0518

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Jeffrey J. Schubert
~~W. J. Schubert~~

7834 Denton Ave
~~7834 Denton Ave~~

477-2515

Margaret Papadakis

9006 Hinton Ave

477-4317

Self Heigler

2807 10th Street

588-1387

Greg Papadakis

9006 Hinton Avenue

474-4317

Judy Ruffner

224 Endersleigh Ave.

574-2979

Randolph W. Ruffner

224 Endersleigh Ave

574-2979

Wyn Glasscock

1116 Riverside Ave. SW

686-0705

Frank Adicks

16 Magna Ct.

335-5946

Bob Dennis Cox

1114 Montpelier St

467-2928

other crabbing operations. It is not uncommon for a waterfront community such as this to have commercial crabbers establish a business therein. That is precisely what these Petitioners have done. The Petitioners' business is somewhat limited, however, in that it consists of a pick-up truck which identifies the business as the Chesapeake Seafood Distributor, a 28-foot Markley crabbing boat, the slough boxes and sheds. Similar types of crabbing operations are found along waterfront properties throughout eastern Baltimore County. Given the marina uses nearby, the other business uses taking place on Cuckhold Point Road, and the fact that crabbing operations are common to waterfront properties in this particular area of eastern Baltimore County, I believe the Petitioners' requests for special exception and variance are appropriate.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

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PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Dennis M. Wagner	7112 N. Pt Rd. 21219	477-1616
Jim Tutchton	7116 Gough St	284-4678
Sam Tutchton	7116 Gough St	284-4678
John West	620 S. Hagley St.	276-5522
Ronald K. Long	25 BEVER CT BALTO MD 21234	331-1699
Michael D. Seidel	1253 Meridene Dr. 21239	882-9974
Charles M. Long	25 BEVER CT 21234	331-1699
Albert K. White	204 Church St	636-1920
Michael R. Long	1699 Balt-Annap Rd	757-8055
Dorothy Dattigan	1699 B-A Blvd	757-8055
Alice White	204 Church ST	636-1920
Joseph P. Koval	225 N. Pratt PK Ave Balto.	276-6312
Elizabeth Deckerd	1021 Courtney Rd 21227	242-3830
WILLIAM BRYANT	1222 HOLMEWOOD DRIVE	437-8202
John Tutchton	458 Stammers Run Rd	687-5098
Maureen Hillstrom	458 Stammers Run Road	687-5098
Linda Seidel	1253 Meridene Dr. Balto Md 21239	433-4408
Vicki Mongan	9500 N Pt Rd	477-0868
Dan Mongan	9500 N. Point Rd	477-0868
John K. Korman	9250 HINTON AVE	477-1909 ✓
Carolyn Mroz	7114 North Point Rd	477-1750
Karl A. Chabur	9107 Cuckold Pt. Rd.	477-8034 ✓
Heber M. Chabur	9107 Cuckold Pt. Rd.	477-8034 ✓
Deborah Y. Abrams	2422 Sparrows Point Rd.	477-2255

PETITION

W the undersigned, citizens of Baltimore County, do not oppose th
use of a portion of the residential property owned by Albert F. Nocar Jr.
known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County,
as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
ROBERT C. BRUCHEY	3120 YORKWAY 21222	288-6548
A. David J. Hill	2107 Givenswood Dr. 21047	686-4605
Frank A. Mulligan	8168 Salford Rd. 21122	481-5679
C. U. Hill	2514 Hansen Rd. 21040	676-4873
John E. James	7863 Nidden Creek Way 21226	255-5892.
Joseph K. Kuroda	8704 Wise Ave 21222	477-5271
C. B. Pritchard	2918 Sparrows Pt. Rd 21219	477-8623
T. Martin J.	3025 Del Haven Rd	282-8140
William F. Perry	6001 Bellona Ave	323 0926
John Heinen	5201 Daybreak Court	866 8145
David R. Russell	5248 CARROLLWOOD Rd.	335-6836
Robert F. Dawson	8215 NORTHVIEW RD.	284-1324
Roy Maciniak	9823 Rocklyn Dr. 21128	256-6284
David H. Pugh	3108 RIVER DR Rd. 21219	477-4090
Donald F. Richardson	3430 Cedar Church Rd.	836-3580
James L. Hall	1927 Frames Rd.	282-6470
Angus Franklin	6908 Circle Rd	335-6006
Blair G. Galt	7 Glenview Rd.	296-4882
Robert J. Galt	5016 FIDELITY ST. 21204	4866761
THIRN SR JUSTICE	5016 FIDELITY ST 21205	4856761
Mary Caverly	8218 Cornwall Rd	284-4922
Linda L. Meyer	9100 Millers Island Blvd	477-9008
Daniel H. Meyer	9100 Millers Island Blvd	477-9008
Henry J. Bush	9015 SWAN AVE	477-0996

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
K. Molderhauer	7355 Hughes Ave. 21219	477-3965
John L. Liden	2101 Sparrow Pt Rd	477-9899
Jim Mehl	3007 Dolman Ave 21219	
Sam Rogers	1818 Portship Rd. Med. 21222	
Eric Korman	7100 Kover Rd. Rd	
Kenneth R. Beach	9128 Ave C Balt. Md. 21219	
Franklin D. Witt	7407 Blevins Ave. 21219	477-2737
Robert L. Speer	2546 Lodge Forest Dr.	477-3525
John L. Clae	2218 Sparrow Pt Rd	477-8712
William Polson	12 Platt Ln	477-3774
Richard Rudolph	Rudy's MARINA 4309 Shore Rd 21219	477-3276
Sandy Sman	9210 Judd Ave	21052 477-8917
S. J.	8936 Miller's Island Rd	21219 477-3828
James Waterfield	8516 Maple Rd 21219	477-1469
Andy Thacker	7513 TOROQUOIS AVE 21219	477-2270
Frank Humin	8939 MILLER'S ISLAND RD	477-2859
Emily C. Rich	2510 Brynner Ave.	477-5340
Leon Harris	3404 Laguardia Dr.	288-1520
Lisa McCarty	2074 Shamrock Rd.	388-1791
Albert R. Hall	2505 Judd Farm Rd	477-8009
Steven Gray	2100 Lake Forest Dr	NO Phone
Dave Borch	1414 Kenosha St.	360-5823
Kathy Wrasome	9223 Todd Ave.	477-4576
Dorothy Thorne	6514 N. Pt Rd. 21219	477-0107

PETITION

W the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Carl Holson	7115 Northpoint Rd.	477-8805
Linda Mahson	2513 South Marine Ave.	477-2359
P.A. Bochen	8000 Dogwood Rd	388 1721
2 Birch St	Box 6525 21219	388 8888
Richard Malen	7419 Bay Front Rd. 21227	477 4881
Don Patton	6914 River Drive Rd. 21219	388-1209
Robert Schmitt	12 PLATT LANE	477-3774
Lennard Elk	9325 W. Pt. Rd.	388-1629
Dawn Binsley	2612 Sparrow Point Rd	388-1182
Bob McCall	2401 Woodridge RD	477-9015.
Robert I. Dehner	12 PLATT LANE	477-3774
Hortense Rowe	9319 Todd Ave POB 187	477-4622
Van Duren	7200 River Drive R.D. 21219	477-0807
Leon A. Langstaff	2916 Ritchie Ave	477-8741
Kerwin Duff	8804 HINTON AVE	388-0714
Stephen F. Clark	2911 Sparrows Pt. Rd.	477-2700
Robert G. Harrison	2912 Sparrows Pt. Rd.	477-16937
John D. Kelly	9239 Todd Ave Ft Howard	388 1464
Harriet McGraw	3019 Wells Ave	477-3368
John Hancock	2301 Lodge Farm Rd	388-1848
Bob J. Klemans	1946 Ewald Ave. #22	285 2693
Doris Lee Wilson	1909 Marsdale Rd. #22	477-4281
J.B. Gullledge	2123 Lincoln Ave Baltimore	477 4614
Lennard Clark	7370 Bayfront Rd	477 6820

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Jack E. Judd	9223 Todd Ave.	477-4576
Jim FALLES	7506 OLD BATTLE GROVE RD. APT. 2	NO PHONE
AL JERNIAZ	715 WHEATCROFT CT	
Paul Wooden	1930 Guy Way	
Patrick Graydon	8014 Dogwood Rd.	
Jim Mehlh	3007 Delmar Ave 21219	
William H. Symplewski	3148 main rd. 21219	477-5246
James Mikulas	2542 Lakeview Ave.	
Mike Council	20 Bona 6603 BAY MD 21219	
Bob Zamb	2419 White Ave B. 17. Md	477 0767
ALAN J. CLAUER	7501 CAR AVE FT. Howard.	388 0298
Mark D. Dace	2801 4TH STREET	388 0548 ✓
Mike DOTA	6809 ARMISTEAD RD 21219	
James V. Armstrong	2424 Luge Farm RD	
Ed Wagner	2323 Franklin Ave	477-5599
Joe V. V. V.	7745 North Point Creek Rd.	477-3445
Edward Jackson	3210 River Drive Rd	477-3318
John J. Kelly	8000 Dogwood RD #4	477-0614
Joan McKerny	2508 N Snyder Ave	477-4361
M. J. Birmingham	19 Skye Rd	477-2200
Don J. Mark	5014 Tartan Hill Rd	931-2436
Thomas J. Schuler Jr	7613 Phila Rd	866-8100
B. Schuler	7613 Philadelphia Rd	866-8100
Barbara Watts	6512 North Point Rd.	388-0912

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

W. Saunders

2812 12th St

None

Walter G. Willhite #

821 Milledale Ave

288-2705

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Shawn Shaw

7114 N. Point Road

477.5000

Marion Landon

240⁰ Stelle aus

388-4289

Martin Widener

3016 RITCHIE AVE.

477-4828

Carol Kraemer

7103 River Dr Rd

477-8346

Mae B. Little

401 Stefan Court

388-1532

Pichey Run

3013 Dell Mar

Zanet Widener

3016 Ritchie Ave

477-4828

Wells Road

9108 Richard Pt Rd

388 1264

Chas. P. ...

2317 Rth Ave

477-5868

Nancy Kerner

1026 Feedback Rcl

337-7249

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class 1.

Name

Address

Phone Number

BENTLEY HOOVER	7000 N. PT. RD. 21219	477-8509
A. Warwick	3000 CEDARCREST AVE. 21219	477-1649
JAY SKAGGS	2807 3RD STREET 21219	388-1596
Michelle Hoover	7000 North Point Rd 21219	477-8509
Dennis B. French	104B BRIARWOOD RD 21222	388-0590
James J. Quinn	9123 Todd Ave 21052	477-1427
Daryl Hill	2431 BLAINE AVE 21219	477-0099
Ray Jones	6904 North Point Rd 21215	388-0436
T. LEWIS	8807 CHEASAMUNE AVE 21219	477-4520
John Kramer	7103 River drive Rd 21219	477-8346
George Wooden	2400 Maple Rd, Baltow, MD 19	477-5577
Jim D. Hoff	3 RUS CT 21219	477-0642
Robert L. Cunningham	6608 North Point Rd	388 1173
Robert M. Nulty	7508 Blank Ave	477-0809
Sorden Spence	7526 Fort Ave.	388-0343
Barbara Jackson	9202 Todd Pl Howard 21052	477-2588
Phil Kunt	2507 MENSER	285-1729
Richard Berke	763 OAK/leigh Beech Rd	477 6867
Scott B. Taylor	7014 RIVER DRIVE Rd.	477-4577

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

James J. Linc
Ben Goff

9210 TODD AVE

477-8917

1100 HARTLAND Rd

686-8351

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the
as of a portion of the residential property owned by Albert F. Nocar Jr.
known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County,
as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

RICHARD F. MOORE SR. - 8021 DOGWOOD RD 21219

William McBride 11012 Rt. 7 21162

Andrew Dorsch 8812 Chiswick Ave.

if the variances are not granted. It has been established that the relief requested is for existing conditions on the property and does not involve the construction of any new structures on the premises. It is clear that special circumstances or conditions exist that are peculiar to this land and the structures which are the subject of this variance request and that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1995 that the Petition for Special Exception seeking relief, pursuant to Section 1B01.1.C.7A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing fishing and shellfishing, shore line, Class I facility on the subject property, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the conditions and restrictions set forth below, and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 1B01.2.C.1 to permit front yard setbacks of as close as 33.2 feet in lieu of the required 40 feet, side yard setbacks of as close as 5 feet in lieu of the required 20 feet, rear yard setbacks of as close as 0 feet in lieu of the required 30 feet, and building to building setbacks of as close as 1.5 feet in lieu of the required 40 feet; from Section 409.8.A.2 to permit a washed gravel

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PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Tony Karamanlidis

7705 S. Cove Rd.

388-1318

Butler Smith

7705 S. Cove Rd.

388-1318

Michelle Foreman

7705 S. Cove Rd.

388-1318

Delhi Karamanlidis

7705 S. Cove Rd.

388-1318

PETITION

We the undersigned, citizens of Baltimore County, do not oppose the use of a portion of the residential property owned by Albert F. Nocar Jr. known as 9101 Cuckold Point Road, Baltimore, Maryland 21219, Baltimore County, as a Fishing & Shellfishing Facility, Shoreline, Class I.

Name

Address

Phone Number

Charlie Wolinski

7509 Fort Ave 21052

477-2681

ALAN B. Thompson

2125 Lodge Farm Rd.

388-9456

Death: Leadway

2909 Sparrow Pt Rd

284-1661

Mr. Leadway

2.

、

Jeanne L. Lesduney

1

1

Mat Shifflett

7431 Blevins Ave.

477-0099

Linda Foster

2907 Sparrows Fl. Rd.

477-8503

Canada Letter

.....

62 22

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S Cuckhold Point Rd.
5' S of the c/l of 4th Street * DEPUTY ZONING COMMISSIONER
(9101 Cuckhold Point Road)
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District * Case No. 92-454-XA
Albert F. Nocar, Jr., et ux
Petitioners *

* * * * *

SECOND AMENDED ORDER

This matter came before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 9101 Cuckhold Point Road, located in the Millers Island area of eastern Baltimore County. This property is located within the Chesapeake Bay Critical Areas on Hawk Cove near Hart Miller Island. Specifically, the Petitioners requested a special exception, pursuant to Section 1B01.1.C.7A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing fishing and shell fishing, shore line, Class I facility on the subject property. In addition, the Petitioners sought variance relief from the B.C.Z.R. as follows: From Section 1B01.2.C.1 to permit front yard setbacks of as close as 33.2 feet in lieu of the required 40 feet, side yard setbacks of as close as 5 feet in lieu of the required 20 feet, rear yard setbacks of as close as 0 feet in lieu of the required 30 feet, and building to building setbacks of as close as 1.5 feet in lieu of the required 40 feet; from Section 409.8.A.2 to permit a washed gravel parking area in lieu of the required durable and dustless surface; from Section 409.8.A.6 to permit unstriped parking spaces; and, from Section 417.4 to permit existing mooring piles a distance of as close as 8 feet to the divisional property lines in lieu of the required 10 feet. The subject property and

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relief sought are more particularly described on the site plan which was marked into evidence as Petitioner's Exhibit 2.

A public hearing was held on July 6, 1992 during which testimony revealed that the Petitioners had failed to submit a findings plan for review and approval by the Department of Environmental Protection and Resource Management (DEPRM) as required concerning the use proposed and it's compliance with Chesapeake Bay Critical Areas legislation. It was agreed by all parties that the Petitioners would be given a period of time in which to prepare and submit said plan.

However, on December 1, 1992, this office inquired of DEPRM as to the status of this matter and was advised that the Petitioners had not yet submitted the required plan. The matter was subsequently dismissed without prejudice by Order issued on December 3, 1992. Shortly thereafter, this office was advised by Counsel for the Petitioners that, in fact, the Petitioners had been working with DEPRM in an effort to resolve this matter and that a findings plan had been submitted as required. The matter was then reopened by Amended Order issued February 5, 1993, pending the final recommendation from DEPRM as to the effect of the Petitioners' shellfishing operation on Critical Areas.

By letter dated September 19, 1994 from J. James Dieter, Director of DEPRM, to Mr. & Mrs. Nocar, the Petitioners were granted a variance from Critical Areas requirements. Furthermore, DEPRM indicated their support of the Petitioners' requests for Special Exception and Variance in the case before me, provided compliance with their recommendations is met. A copy of their recommendations, which was received in this Office on January 13, 1995 and marked as Petitioner's Exhibit A, has been incorporated into the case file and made a part hereof.

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Inasmuch as the hearing on this matter took place 3 and 1/2 years ago, a brief review of the testimony and evidence submitted at that time is appropriate.

Appearing at the hearing on behalf of the Petitions were Albert F. Nocar, Jr., legal owner of the property, Richard S. Nocar, Sr., Kimberly A. Nocar, and several other residents from the surrounding community. The Petitioners were represented by Norman R. Stone, Esquire. Appearing as Protestants in the matter were Joseph and Marjorie Sullivan, Kenneth and Kathy Wallace, and Mark Canapp, nearby property owners. The Protestants were represented by J. Carroll Holzer, Esquire.

Testimony and evidence offered revealed that the subject property, also identified as Lot 512 on the site plan, consists of a gross area of 7,250 sq.ft., predominantly zoned D.R. 5.5 with a small portion of the site zoned B.M., and is located in the waterfront community known as Swan Point. The property is improved with a two-story single family dwelling, two sheds, and several accessory structures used in the subject shellfishing operation. The Petitioners have resided on the property for many years and have operated the subject business thereon since 1986. This operation consists of two slough boxes for soft crabs, two sheds, a boat ramp and a pier. Testimony indicated that the relief requested does not involve the construction of any new structures, merely to continue operating the subject shellfishing business on the subject property, utilizing the existing facilities.

Additional testimony revealed that this property is surrounded by many commercial uses and commercially zoned properties. In fact, a marina exists on the immediately adjoining property on the southeast side of the subject site at 9089 Cuckold Point Road (Lot 511). On the southwest side

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and further down the road are two more marinas at 9107 and 9109 Cuckhold Point Road (Lots 514 and 515, and Lot 516, respectively). Lot 513, which immediately adjoins the subject property on the southwest side, is presently vacant. Lastly, a tavern exists across from the subject site at 9100 Cuckhold Point Road.

Further testimony indicated that the requested variances are for existing conditions on the property as depicted on Petitioner's Exhibit 2, and that the variance to permit a durable and dustless surface will allow the Petitioners to maintain the existing stone and gravel driveway which will reduce the amount of impervious surface on the lot and make the property more environmentally appropriate. In support of their requests, the Petitioners submitted as Petitioner's Exhibit 3 a Petition signed by numerous residents of the surrounding community who are not opposed to their use of the property for a shellfishing operation.

Appearing and testifying in opposition to the Petitioners' request was Mr. Joseph Sullivan, owner of the adjoining property on the southwest side of this site, identified as Lot 513 on the site plan. While Mr. Sullivan does not reside on his property, he objects to the Petitioners' crabbing operation, which he stated is both an eyesore and permeates foul odors. Mr. Sullivan testified that when he visits his property, he finds the subject operation to be both an eyesore and offensive to his enjoyment of his property. Mr. Sullivan submitted as Protes-
tant's Exhibit 8 a photo montage of the subject property and the crabbing operation thereon. Mr. Sullivan objects to the pick-up used to distribute the crabs once brought to the property and customers visiting the property to purchase crabs. Mr. Sullivan argued that this crabbing operation is out of character with the residential zoning of the property.

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It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. As noted earlier in this opinion, the subject property is split zoned D.R. 5.5 and B.M. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

As noted above, a review of the site plan for this property and the zoning map for this area reveals that Cuckhold Point contains many business-related activities. They range from a tavern to marinas and

other crabbing operations. It is not uncommon for a waterfront community such as this to have commercial crabbers establish a business therein. That is precisely what these Petitioners have done. The Petitioners' business is somewhat limited, however, in that it consists of a pick-up truck which identifies the business as the Chesapeake Seafood Distributor, a 28-foot Markley crabbing boat, the slough boxes and sheds. Similar types of crabbing operations are found along waterfront properties throughout eastern Baltimore County. Given the marina uses nearby, the other business uses taking place on Cuckhold Point Road, and the fact that crabbing operations are common to waterfront properties in this particular area of eastern Baltimore County, I believe the Petitioners' requests for special exception and variance are appropriate.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

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if the variances are not granted. It has been established that the relief requested is for existing conditions on the property and does not involve the construction of any new structures on the premises. It is clear that special circumstances or conditions exist that are peculiar to this land and the structures which are the subject of this variance request and that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1995 that the Petition for Special Exception seeking relief, pursuant to Section 1B01.1.C.7A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing fishing and shellfishing, shore line, Class I facility on the subject property, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the conditions and restrictions set forth below, and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 1B01.2.C.1 to permit front yard setbacks of as close as 33.2 feet in lieu of the required 40 feet, side yard setbacks of as close as 5 feet in lieu of the required 20 feet, rear yard setbacks of as close as 0 feet in lieu of the required 30 feet, and building to building setbacks of as close as 1.5 feet in lieu of the required 40 feet; from Section 409.8.A.2 to permit a washed gravel

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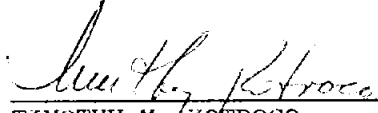
parking area in lieu of the required durable and dustless surface; from Section 409.8.A.6 to permit unstriped parking spaces; and, from Section 417.4 to permit existing mooring piles a distance of as close as 8 feet to the divisional property lines in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The special exception granted herein is limited to the operation depicted on the site plan marked as Petitioner's Exhibit 2. The Petitioners are prohibited from adding any additional structures on their property for the purpose of expanding the existing shellfishing operation.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

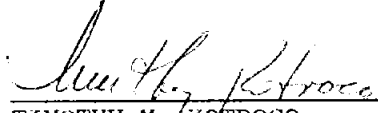
parking area in lieu of the required durable and dustless surface; from Section 409.8.A.6 to permit unstriped parking spaces; and, from Section 417.4 to permit existing mooring piles a distance of as close as 8 feet to the divisional property lines in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The special exception granted herein is limited to the operation depicted on the site plan marked as Petitioner's Exhibit 2. The Petitioners are prohibited from adding any additional structures on their property for the purpose of expanding the existing shellfishing operation.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 17, 1995

Norman R. Stone, Esquire
6905 Dunmanway
Baltimore, Maryland 21222

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Cuckhold Point Road, 5' S of the c/l of 4th Street
(9101 Cuckhold Point Road)
15th Election District - 7th Councilmanic District
Albert F. Nocar, Jr., et ux - Petitioners
Case No. 92-454-XA

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

Mr. & Mrs. Joseph Sullivan
8825 Old Harford Road, Baltimore, Md. 21234

DEPRM; People's Counsel; Case File



Printed with Soybean Ink
on Recycled Paper

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND ZONING VARIANCE - E/S *
 Cuckhold Point Road, 5' S of * DEPUTY ZONING COMMISSIONER
 the c/l of 4th Street *
 (9101 Cuckhold Point Road) * OF BALTIMORE COUNTY
 15th Election District *
 7th Councilmanic District * Case No. 92-454-XA

Albert F. Nocar, Jr. *
 Petitioner *

* * * * *

AMENDED ORDER

This matter came before the Deputy Zoning Commissioner as Petitions for Special Exception and Zoning Variance filed by the legal owner of the subject property, Albert F. Nocar, Jr., by and through his attorney, Norman R. Stone, Esquire. The Petitioner sought a special exception and variances for an existing fishing and shell fishing, shore-line Class I facility on the subject property.

The matter was originally heard on July 6, 1992 at 9:00 AM in Room 118 of the Old Courthouse in Towson, Maryland. During the course of the hearing, it was revealed that the Petitioner had not yet filed the required findings plan for review and approval by the Department of Environmental Protection and Resource Management (DEPRM) which is required due to the location of the subject property in the Chesapeake Bay Critical Areas. The Petitioner was then instructed to file the appropriate findings plan with DEPRM and the hearing proceeded. On December 1, 1992, I was advised by DEPRM that the Petitioner had not yet filed the required findings plan at which time I determined that the Petitioner was not diligently pursuing the obligation imposed upon him by the Critical Areas legislation. An Order was subsequently issued by this Deputy Zoning Commissioner on December 3, 1992 which, in essence, dismissed without prejudice the Petitioner's requests for a special exception and variance.

ORDER RECEIVED FOR FILING

Date

By

12/5/92
 [Signature]

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - E/S *
Cuckhold Point Road, 5' S of * DEPUTY ZONING COMMISSIONER
the c/l of 4th Street *
(9101 Cuckhold Point Road) * OF BALTIMORE COUNTY
15th Election District *
7th Councilmanic District * Case No. 92-454-XA

Albert F. Nocar, Jr. *
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and Zoning Variance filed by the legal owner of the subject property, Albert F. Nocar, Jr., by and through his attorney, Norman R. Stone, Esquire. The Petitioner requests a special exception for a fishing and shell fishing, shore-line Class 1 facility, pursuant to Section 1B01.1.C.7A of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner also seeks variance relief from the B.C.Z.R. as follows: From Section 1B01.2.C.1 to permit front yard setbacks as close as 33.2 feet in lieu of the required minimum of 40 feet, side yard setbacks as close as 5 feet in lieu of the minimum required 20 feet, rear yard setbacks as close as 0 feet in lieu of the minimum required 30 feet, and building to building setbacks as close as 1.5 feet in lieu of the minimum required 40 feet; from Section 409.8.A.2 to permit a washed gravel parking area in lieu of the required durable and dustless surface; from Section 409.8.A.6 to not require the stripping of parking spaces; and from Section 417.4 to permit existing mooring piles to be as close as 8 feet from the divisional property lines in lieu of the required minimum of 10 feet, all as more particularly described on Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions were Albert F. Nocar, Jr., legal owner. Mr. Nocar was represented by Norman R.

ORDER RECEIVED FOR FILING
Date 12/3/92
By [Signature]

Stone, Esquire. Also appearing on behalf of the Petitions were numerous residents of the area. Several other residents of the area appeared as Protestants in the matter and were represented by J. Carroll Holzer, Esquire.

At the commencement of the hearing on July 6, 1992, the Department of Environmental Protection and Resource Management (DEPRM) disclosed that it had not yet received from the Petitioner a Critical Areas Findings Plan as required. The decision was then made by this Deputy Zoning Commissioner to proceed with the hearing and reserve the right to reconvene at a future date, if necessary, to take additional testimony once a findings plan was submitted to DEPRM and comments as to its appropriateness were received by this office. Testimony and evidence was then presented by several witnesses both for and against the relief requested in the instant Petitions.

At the close of the hearing, the Petitioner was instructed to follow through with the submission of a Critical Areas Findings Plan to DEPRM in order that they might submit formal comments and recommendations to this Deputy Zoning Commissioner. On December 1, 1992, I contacted Nancy Pentz, the Development Coordinator for this project, who informed me that she had not received a findings plan from the Petitioner. She also informed me that her office sent correspondence to the Petitioner requesting said plan in August 1992.

It is clear the Petitioner has failed to comply with the submission of a findings plan as required by Critical Areas legislation. This calls into question Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). That Section specifically prohibits me from rendering a decision on the merits of this case until such time as the Petitioner submits a findings plan to DEPRM for comments pursuant thereto. It has been

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 3, 1992

Norman R. Stone, Esquire
6905 Dunmanway
Baltimore, Maryland 21222

RE: PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCE
E/S Cuckhold Point Road, 5' S of the c/l of 4th Street
(9101 Cuckhold Point Road)
15th Election District - 7th Councilmanic District
Albert F. Nocar, Jr. - Petitioner
Case No. 92-454-XA

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

People's Counsel

File

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

PETITION FOR SPECIAL EXCEPTION

02-454-XA
478

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Fishing and shell fishing facility, shore line, Class I
Section 1B01.1 C.7A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

N/A

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

NORMAN R. STONE

(Type or Print Name)

Signature

6905 Dunmanway

Address

Baltimore, MD 21222

City and State

Attorney's Telephone No.: (410) 288-5270

Legal Owner(s):

Albert F. Nocar, Jr.

(Type or Print Name)

Signature

Ann B. Nocar

(Type or Print Name)

Signature

9101 Cuckhold Point Road (410) 477-5782
Address Phone No.

Millers Island, MD 21219
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Steven K. Broyles, P.E.

Name
1922 Middleborough Road (410) 574-2227
Baltimore, MD 21221
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING

Date

By

ORDER RECEIVED FOR FILING

Date

By

Z.C. No. 1

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Q2-454-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 1B01.2.C.1 to allow front yard setbacks as close as 33.2' in lieu of 40'

Variance from Section side yard setbacks as close as 5' in lieu of 20', rear yard setbacks as close as 0' in lieu of 30' and building to building setbacks as close as 1.5' in lieu of 40'. Sec. 409.8.A.2 to allow washed gravel parking area in lieu of dustless durable surface, Section 409.8.A.6 to not require stripping of parking spaces and Section 417.4 to allow existing mooring piles as close as 8' of divisional property lines in lieu of 10'

MOORING PILES SKP

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty for section 1B01.2.C.1 strict enforcement would leave no usable area this would be a hardship to the owner denying him of use of the property. Section 409.8.A.2 & 6 there is a practical difficulty in conflicts with CBCA regulations. Strict enforcement would be a hardship to the owner by denying him use of the property. Section 417.4 there is a practical difficulty in the existing mooring piles on adjacent property are existing. there would also be a hardship to the owner if strict enforcement were required since Mr. Nocar has no legal right to relocate these pilings.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Albert F. Nocar, Jr.

(Type or Print Name)

Signature

Signature

Address

Ann B. Nocar

(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

Norman R. Stone

9101 Cuckhold Point Road (410) 477-5782

(Type or Print Name)

Address

Phone No.

Signature

Millers Island, MD 21219

City and State

6905 Dunmanway

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

Steven K. Broyles, P.E.

Baltimore, MD 21222

Name

City and State

1922 Middleborough Road

Attorney's Telephone No.: (410) 288-5270

Baltimore, MD

21221

(410) 574-2227

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the _____ day of _____, 19____, at _____ o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING

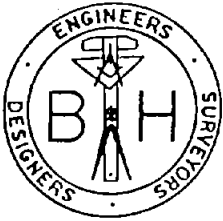
Date

By

ORDER RECEIVED FOR FILING

Date

By



92-454XA

BROYLES, HAYES AND ASSOCIATES

Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

ZONING DESCRIPTION FOR

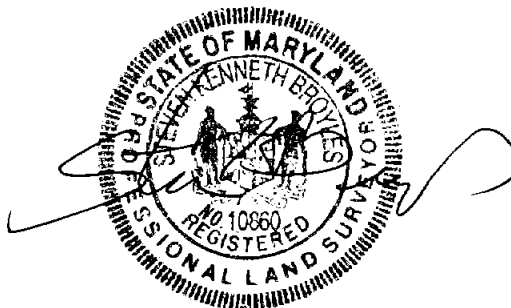
9101 CUCKOLD POINT ROAD

APRIL 20, 1992

Beginning for the same at a point on the east side of Cuckold Point Road right-of-way 30 feet wide, 5+ feet south of the center of Fourth Street right-of-way 30 feet wide, thence running and binding along the south side of Cuckold Point Road right-of-way

1. N 44° 22' E 50 feet to a point, thence leaving said road
2. S 59° 38' E 130+ feet to a point at the waters of the Chesapeake Bay, thence running along the waters of said Chesapeake Bay
3. S 44° 22' W 50 feet to a point, thence leaving the waters of said Chesapeake Bay
4. N 59° 38' W 130+ feet to the point of beginning as recorded in the land records of Baltimore County In Deed Liber 7384, folio 001.

BEING Lot No. 512 as shown on the plat of Swan Point as recorded in the Land Records of Baltimore County. Plat Book W.H.M No. 9 folios 4 and 5, containing 6500+ square feet or 0.149+ acres. Also known as 9101 Cuckold Point Road and located in the 15 th Election District.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-434-XA

District 1524

Date of Posting 6/19/92

Posted for: Special Exception & Variances

Petitioner: Albert & Ann Near

Location of property: 9101 Guckold PT Rd. on E/S, 5' + S Fourth St.

Location of Signs: 75' from road way on property of Petitioner

Remarks: _____

Posted by M. A. Deane
Signature

Date of return: 6/26/92

Number of Signs: 2



CERTIFICATE OF PUBLICATION

Case: #92-454-XA (Item 478)
E/S Cuckold Point Road, 6'
(+/-) S of c/ Fourth Street
9101 Cuckold Point Road
15th Election District
7th Councilmanic
Petitioner(s):

Albert F. and Ann B. Nocar
Hearing Date: Monday,
July 6, 1992 at 9:00 a.m. in
Rm. 118, Courthouse

Special Exception: for fishing and shell fishing facility, shore line, Class I. **Variance:** to allow front yard setbacks as close as 33.2 ft. in lieu of 40 ft.; side yard setbacks as close as 5 ft. in lieu of 20 ft.; rear yard setbacks as close as zero ft. in lieu of 40 ft.; to allow washed gravel parking area in lieu of dustless durable surface; to not require striping of parking spaces; and to allow existing mooring pile as close as 8 ft. of divisional property lines in lieu of 10 ft.

TOWSON, MD.,

June 11, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 11, 1992.

THE JEFFERSONIAN,

C. Zabe Orlean

Publisher

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 17, 1995

Norman R. Stone, Esquire
6905 Dunmanway
Baltimore, Maryland 21222

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Cuckhold Point Road, 5' S of the c/l of 4th Street
(9101 Cuckhold Point Road)
15th Election District - 7th Councilmanic District
Albert F. Nocar, Jr., et ux - Petitioners
Case No. 92-454-XA

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

Mr. & Mrs. Joseph Sullivan
8825 Old Harford Road, Baltimore, Md. 21234

DEPRM; People's Counsel; Case File



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

92-454

Account: R-001-6150
Number

1-19-92

FILE TO HEARING FERS

OR POSTING SIGNS / ADVERTISING

LAST NAME OF OWNER: NOLAN

Please Make Checks Payable To: Baltimore County 1-19-92

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

92-454

Account: R 001-6150
Number

Date

1/24/92

PUBLIC HEARING FEES

01

10.00

ORD -POSTING SIGNS / ADVERTISING

01

45.40

LAST NAME OF OWNER: HOGAR

01

0.00

Please Make Checks Payable To: Baltimore County \$95.40
BA 001-6150-24-92

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 6-18-92

Albert and Ann Nocar
9101 Cuckhold Point Road
Millers Island, Maryland 21219

RE:
CASE #92-454-XA (Item 478)
E/S Cuckold Point Road, 5' (+/-) S of c/l Fourth Street
9101 Cuckold Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Albert F. and Ann B. Nocar
HEARING: MONDAY, JULY 6, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 95.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Norman R. Stone, Esq.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

5/14/92

PUBLIC HEARING FEES	QTY	PRICE
020 - ZONING VARIANCE (OTHER)	1	\$250.00
050 - SPECIAL EXCEPTION	1	\$300.00

LAST NAME OF OWNER: NICAP

schler Validation

receipt

Account: R-001-6150
Number

04A04#0169MICHRC
BA C002:04PM05-14-92
\$550.00

92-4154-XH

11900047B

\$550.00

TOTAL 04A04#0169MICHRC
BA C002:04PM05/14/92

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353


JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-454-XA (Item 478)
E/S Cuckold Point Road, 5' (+/-) S of c/l Fourth Street
9101 Cuckold Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Albert F. and Ann B. Nocar
HEARING: MONDAY, JULY 6, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Special Exception for fishing and shell fishing facility, shore line, Class I.
Variance to allow front yard setbacks as close as 33.2 ft. in lieu of 40 ft.; side yard setbacks as close as 5 ft. in lieu of 20 ft.; rear yard setbacks as close as zero ft. in lieu of 40 ft.; to allow washed gravel parking area in lieu of dustless durable surface; to not require stripping of parking spaces; and to allow existing mooring pile as close as 8 ft. of divisional property lines in lieu of 10 ft.


Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Albert and Ann Nocar
Steven K. Broyles, P.E.
Norman R. Stone, Esq.
Joseph Sullivan

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1992

(410) 887-3353

Norman R. Stone, Esquire
6905 Dunmanway
Baltimore, MD 21222

RE: Item No. 478, Case No. 92-454-XA
Petitioner: Albert F. Nocar, et ux
Petition for Special Exception and
Zoning Variance

Dear Mr. Stone:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

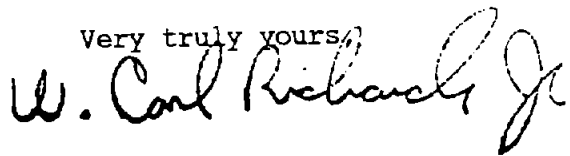
- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,



W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 16, 1992

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item 478
#9101 Cuckold Point Road
Zoning Advisory Committee Meeting of June 1, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

The Bureau of Air Quality Management recommends approval of the variance to allow washed gravel in lieu of a durable and dustless surface. The area in question is small and traffic volume extremely light. Problems with dust are not likely.

JLP:sp

JABLON/S/TXTSBP

RECEIVED

JUN 23 1992

ZONING OFFICE

6469-92
6/24/92 JW
✓

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development
Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: June 5, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 1, 1992

The Office of Planning and Zoning has no comments on the following petitions:

George S. Nyquist	- Item 474
Stephen G. Swimm	- Item 477
Albert F. Nocar Jr.	- Item 478
Maryland Marine Mfg. Co.	- Item 479
Robert C. Eppig	- Item 480
James R. Porter	- Item 481
Dorothy S. Hunter	- Item 482
St. Lukes Health Ministries	- Item 484
Williams Estates	- Item 487
John M. Jacob	- Item 488
Gene Ensor	- Item 489
Lawrence F. Solomon	- Item 493

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 27, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALBERT F. NOCAR, JR. AND ANN B. NOCAR

Location: #9101 CUCKOHL POINT ROAD

Item No.: +478 (JLL) Zoning Agenda: JUNE 1, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry Pfeiffer Noted and
Approved _____
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
MAY 29 1992

ZONING OFFICE